Supreme Court, U.S.
FILED
No. (1)
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OFFICE OF THE CLERK

In The
Supreme Court of the United States

Donald E. White

and

Austa M. White,

Petitioners,

v.

Steven A. Tscherter,
Dana Uhlenhopp,
Cordell Q. Peterson,
James Schneider,
Carol Petersen,
Respondents in their individual capacities and
IN REM: LINCOLN SAVINGS BANK, and
LINCOLN BANCORP, a holding company, its parent,

Respondents.

**A Petition, In The Nature Of A *Respectful* Demand,
For A Common-Law Writ Of Certiorari
To The United States Court Of Appeals
For The Eighth Circuit**

DONALD E. WHITE
In propria persona
Repatriated Sovereign,
pursuant to
8 USC § 1481(a)(6)
Petitioner,

All rights reserved,
In Care of 75 Davis Circle
Bella Vista,
Republic state of Arkansas,
Postal Zone [72714-5611]
(479) 855-8767

AUSTA M. WHITE
In propria persona
Repatriated Sovereign,
pursuant to
8 USC § 1481(a)(6)
Petitioner,

All rights reserved,
In Care of 75 Davis Circle
Bella Vista,
Republic state of Arkansas,
Postal Zone [72714-5611]
(479) 855-8767

QUESTIONS PRESENTED FOR REVIEW

The questions presented for review by this case are four-fold:

Relevant to Petitioners' sovereignty before any government instrumentality:

1. ***Does the act of expatriation***, pursuant to 8 U.S.C. § 1481(a)(6) and (b), from the corporate UNITED STATES, when coupled simultaneously and affirmatively with repatriation to the respective Republic state(s) of the united States of America, ***make the Petitioners constitutionally sovereign and thereby diverse from Respondents within the limited jurisdiction of the federal courts***, pursuant to 28 U.S.C. § 1332?

2. ***Are officers of the statutory courts***, both federal and state, ***required by their Oaths to recognize and acknowledge the sovereignty of private citizens*** who have relinquished their 14th Amendment citizenship (in the democracy) to reclaim their full and complete non-juristic status and true citizenship in the Republic(s)? If not, what is the 28 U.S.C. citation that releases, or otherwise permits, discretion to recognize or not the requirements of *Article VI, Section 4 of the U.S. Constitution*, i.e., "that the United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion"?

QUESTIONS PRESENTED FOR REVIEW – Continued

Relevant to the implementation of 8 U.S.C. § 1481(a)(6) and (b):

3. ***Did the statutory courts unlawfully impair the obligations of Petitioners' private contract***, executed exclusive of the courts, ***in violation of Article 1, Section 10 of the U.S. Constitution of 1787***, when they refused to allow *Petitioner* Vedder to speak with one voice for all *Petitioners*, not in representation or re-presentation of the others?

4. Relevant to the hearing of a justiciable controversy between parties, ***can the statutory courts lawfully order*** these ***Repatriated Petitioners to relinquish their In propria personna and sovereign status***, by forcing them to proceed ***pro se in submission, as a contingent condition for seeking redress of their legitimate 1st Amendment grievance***? If so, please provide the specific lawful basis upon which they are permitted to do so.

PARTIES TO THE PROCEEDING

Petitioners are:

Donald E. White, *In propria personna*
Austa M. White, *In propria personna*
Anita J. Vedder, *In propria personna*,
8th Circuit principal and 6th Circuit Co-petitioner

Respondents are:

Steven A. Tscherter,
Dana Uhlenhopp,
Cordell Q. Peterson,
James Schneider,
Carol Petersen,
Respondents in their individual capacities
and
IN REM: LINCOLN SAVINGS BANK, and
LINCOLN BANCORP, a holding company, its parent,
Respondents

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1. The opinion or decision from which the Petitioner is appealing:

   a.) (The ***unfiled unsealed*** copy) 8th USCA Order of 10-22-04

2. Relevant opinions, orders, findings of fact or conclusions of law –

   a.) 02-16-05 Extension of time to file Petition for Writ granted by Justice Thomas;

   b.) 07-14-04 USDC Western AR Order of Dismissal Without Prejudice

   c.) 08-04-04 BREMER CO (IOWA)Challenge of Jurisdiction Overruled and Denied

   d.) 09-03-04 USDC Northern IOWA Order denying Co-petitioner Entry of Appearance;

   e.) 09-07-04 USDC Western AR Clerk's Notice of Untimely Appeal, of 04-5050

   f.) 10-06-04 ***Falsified*** BREMER COUNTY, Iowa District Court Order of Foreclosure

   g.) 10-07-04 USDC Western AR Order denying Petitioners' attempt in USCA to bring together all 8th Circuit files at USCA from USDC W AR, Northern IOWA and BREMER COUNTY in the 8th USCA, maintaining the integrity of each independently;

   h.) 10-25-04 USDC NORTHERN IOWA Order (Pro Se contingency)

   i.) 11-26-04 USDC NORTHERN IOWA Clerk's Notice of Dismissal L. R. 41.1

j.) 12-13-04 ***Filing*** of ***now sealed*** 8th USCA Order of 10-22-04

k.) 12-29-04 USDC Northern IOWA Demand to Recuse denied;

l.) 01-21-05 ***Unsigned not entered*** USDC Northern IOWA Order of Dismissal WO/P

3. The order on rehearing denied – 8th USCA Order of ***unsealed*** 11-24-04

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a.) 07-14-04 8th USDC Western AR Order of Dismissal Without Prejudice, Rule 12(b)(3)

b.) 08-04-04 BREMER COUNTY (IOWA) Order Overruling and Denying Challenge of Jurisdiction

c.) 10-06-04 BREMER COUNTY (IOWA) Order of Summary Judgment and Foreclosure

d.) 01-21-05 8th USDC Northern IOWA Clerk's Judgment in favor of Defendants, against Plaintiffs, Book #34; based on the ***unsigned and unfiled*** order of the court

JURISDICTIONAL STATEMENT OF THE UNITED STATES SUPREME COURT

Jurisdiction of this court is derived from Article III, Section 2 of the US Constitution, to wit,

> "Clause 1: The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; – to all Cases affecting Ambassadors,

> other public Ministers and Consuls; – to all Cases of admiralty and maritime Jurisdiction; – to Controversies to which the United States shall be a Party; – to Controversies between two or more States; – between a State and Citizens of another State; – between Citizens of different States, – between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.
>
> Clause 2: In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make."

and 28 U.S.C. § 1254(1), to wit, "Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods: (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree".

Pursuant to U.S.S.C. Rule 22, on February 16, 2005, Petitioners were granted an extension of time by Associate Justice Clarence J. Thomas to March 22, 2005 to file this petition. There is a very clear and distinct possibility that one or both 28 U.S.C. § 2403(a) and (b) may apply in these cases; furthermore, this is to notice the Supreme Court of the United States that all Petitioners have copyrighted their names, the records of which are on file with the SECRETARY OF STATE(S) in the respective state offices, UCC Division.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Constitutional and statutory provisions involved in the instant matter are:

> Article I, Section 10, Article III, Sections 1 and 2, Article IV, Section 4, The Constitution of the Republic state of Tennessee, May 5, 1870, 8 U.S.C. § 1481(a)(6) and (b), 28 U.S.C. § 1331 and 28 U.S.C. § 1332.

STATEMENT OF MATERIAL FACTS

The ***unsealed, (and unfiled, until December 13, 2004),*** order of the 8th US Court of Appeals, dated October 22, 2004, (A-26), denied a federal stay of execution from the 2nd Judicial District Court of BREMER COUNTY, IOWA'S order of foreclosure proceedings, dated October 06, 2004, (A-98), resulting in the unlawful December 03, 2004 seizure and forced sale of Petitioners' 352 acre Iowa farm, (A-89 [03 DEC 04 02:46 PM O-SAF]). It further dismissed Petitioners' appeal of a USDC Northern IOWA Magistrate's interlocutory order, (A-40), which barred Co-petitioner Anita Vedder from filing documents in the US District Court for Northern Iowa, thereby preventing her from honoring the sovereign obligations of her private contract with Petitioners White, (B-135, B-143, B-151, and B-159), including Petitioners' son, JAMES CARL WHITE, and their daughter-in-law, JENNI L. WHITE, in the BREMER COUNTY, IOWA action, #EQCV002218. Petitioners' (sovereign) Demand for USCA reconsideration in an en banc hearing, from which the mandate issued, was denied by the 8th US Court of Appeals on November 24, 2004, (A-36 [22]), ***and received, unsealed,*** in the USDC

NORTHERN IOWA, on November 29, 2004, (A-36 [22]). Although simultaneously driving events in four separate inferior courts, the 8th USCA ***unsealed*** order of October 22, 2004 ***was not sealed or filed until December 13, 2004,*** (A-28), after the mandate was issued on December 09, 2004. These final events, at the 8th USCA level, covered concurrent events occurring in three separate inferior courts thereto, a more confusing show than Barnum and Bailey's three-ring circus, as is described by the following events:

Petitioner Donald E. White and his wife, Austa, on March 01, 2004, filed a Verified Ultra Vires Complaint #04-5050, (A-68), against the principals of LINCOLN SAVINGS BANK, an IOWA state-chartered institution, for having exceeded the authority of their Articles of Incorporation, in the execution of three promissory notes made to Petitioners for operating loans of their 352 acre Iowa farm. This occurred one business day after Petitioner Austa M. White was voluntary discharged from the 8th Circuit US Bankruptcy Court. Petitioners' complaint was brought under 28 U.S.C. § 1331 and § 1332 in the US District Court for Western Arkansas (where Petitioners live). Two weeks later, on March 15, 2004, the WHITES statutorily expatriated from the corporate UNITED STATES to the Republic state of Arkansas, pursuant to 8 U.S.C. § 1481(a)(6), (B-1), when they hand-delivered their Declaration of True Citizenship and Non-juristic Status to the designated officer of Attorney General John D. Ashcroft, *one* Barry C. Hansen, (B-3, B-102 and B-104), at the Office of General Counsel, UNITED STATES DEPARTMENT OF JUSTICE in Washington, DC. Co-petitioner Vedder had similarly expatriated by notice, sent by registered mail to President George Bush on June 17, 2002, (B-112), and to

various other federal and state officials, (B-123 – B-129), including Chief Justice William Hubbs Rehnquist, (B-120), of this body, on July 1, 2002. Co-petitioner Vedder statutorily perfected her Notice, (B-132), with an identical presentation to Barry C. Hansen, the designated officer of the Attorney General, in Washington, DC on March 15, 2004, in the company of Petitioners White.

According to statutory civil law, any 14th Amendment citizen may voluntarily relinquish his corporate citizenship under the provisions of 8 U.S.C. § 1481, (B-1). Petitioners did so exercise that prerogative to reclaim their sovereignty in the common-law Republic state of Arkansas on March 15, 2004, and, their claim remained unrebutted, pursuant to 8 U.S.C. § 1481(b), became statutorily restored, as Donald E. White, *in propria persona*, and Austa M. White, *in propria persona*, under the provisions of 8 U.S.C. § 1481(a)(6) and (b),

Between March 01, 2004 and January 25, 2005, there have been as many as four separate courts issuing simultaneous orders and directives, without respect for statutory law, settled case law or the *Federal Rules of Civil Procedure, Federal Rules of Appellate Procedure* or the *Federal Rules of Evidence* – the courts' own rules! This has created a horrendous mess in the inferior courts' system that has worked a clear, substantial, direct and on-going injury to Petitioners. Officers of the inferior courts are themselves cognizant of their unlawful behavior and departure from the covenants of their oaths, evidenced by their failure to sign, (A-59), or timely file, (A-26, A-27), their own dicta, as will be demonstrated by Petitioners in the presentation of their brief.

Subsequent to filing their answer to Petitioners' federal complaint on March 19, 2004, Respondents initiated a collateral contingent foreclosure proceeding on April 01, 2004, through counsel, in BREMER COUNTY, IOWA 2A DISTRICT COURT, (A-83 [01 APR 04 04:15 PM O PLFD]), where Petitioners' farm near Plainfield, Iowa was located. Respondents, through their counsel, made no mention of the material facts of the extant federal suit in their state petition or any highly-pertinent material reference to the time and place of the initiation of the foreclosure proceedings in their federal statement of disputed facts, April 13, 2004, (A-65 [13]). Petitioners' initial federal case, #04-5050, in USDC, Western Arkansas, was dismissed, without prejudice, on July 14, 2004, pursuant to FRCP, Rule 12(b)(3), (A-69).

Although highly survivable on appeal, Petitioner's voice, Co-petitioner Vedder, recognized the vulnerability of the initial proceeding in the timing of their expatriation and encouraged Petitioners to accept the decision and refile their complaint in Cedar Rapids, Iowa, ***according to the instructions of the Order of Dismissal***. This they did, in Case #01:04-cv-00093-LRR, (A-30 [1]), on July 27, 2004 in US District Court for Northern Iowa. This latter case has now been dismissed by a ***Clerk's Judgment,*** (A-60), on January 21, 2005, based on the ***unfiled, unsigned*** order of the USDC Northern IOWA judge, pursuant to USDC Local Rule 41.1, after Petitioners refused to relinquish their sovereignty and proceed *pro se*, as directed by the USDC Northern IOWA order of October 25, 2004, (A-45) – this all having occurred with absolutely no contravening evidence or testimony, (other than the perjured affidavits of five defendants, [prepared by their attorney]), ever having been presented by Respondents.

Equally situated among themselves as sovereigns before any court, it is *Petitioner* Vedder, the most verbal of the three and the focused Principal of the 8th Circuit litigation's Interlocutory Appeal, (A-40), ***who speaks and always has spoken with one voice*** under private contract, (B-135, B-143, B-151 and B-159), ***exclusive of the inferior ARKANSAS AND IOWA courts,*** as common law Attorney-in-fact and Assistance of Counsel ***spokeswoman*** for all, . . . and ***NOT*** in ***re-presentation or*** in ***representation*** of the *Petitioners* Whites or their son and daughter-in-law, as either a bar-licensed attorney or officer of *the* respective inferior courts. This fact is evident from the verbiage of the contracts themselves; it is the obligation of those ***private common-law*** contracts between *Joint Petitioners*, executed voluntarily and in good faith in the Republics, without the UNITED STATES which, having been properly entered into evidence, was, has been and continues to be significantly, substantially, substantively and unlawfully impaired by the 8th Circuit courts, pursuant to Article 1, Sec. 10, "No state shall . . . make any . . . Law impairing the Obligation of Contracts" and Article 4, Sec. 4, "The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion," of the United States Constitution of 1787.

These private contracts were executed to cover their working relationship *with each other* in each of these judicial proceedings. Sovereign Petitioners do not require the "permission" of the government, in either its state or federal capacity, to proceed thus. The Petitioners' appellate actions are covered as an extension of the primary contracts, made necessary by the decisions and actions of the respective inferior courts from which those appeals arise.

The Constitutional issue of Petitioners' sovereign status, set out in Questions 1 and 2, is the primary concern before the Supreme tribunal, *from which all other issues surge*. Questions 3 and 4, pertinent to the violation and infringement of these private contracts, directs the Court's attention to the questionable validity of the inferior courts' absence of recognition of Petitioners' sovereignty, denial of the existence of the Republic state of Arkansas and the inappropriate statutory implementation of 8 U.S.C. § 1481(a)(6). While petitioners view the questions as sequentially derived and therefore contingent, this Supreme tribunal of the united States may choose to consider each independently.

Petitioners present one complete copy of the full 36 page text of Donald E. White's expatriation Declaration here, with the understanding of the Court and Counsel that the redacted originals are in the hands of the justices who approved the extensions of Vedder's Application No. 04A710, and White's No. 04A711, (Associate Justice Stevens and Associate Justice Thomas, respectively), are identical, except for the states, dates and places of birth of Co-petitioners Austa M. White and Anita J. Vedder and the pagination of Vedder's original document. The first three pages of each are sufficient to establish the fact of their individual expatriation from the corporate UNITED STATES.

ARGUMENT AND RATIONALE FOR GRANTING THE WRIT OF CERTIORARI

INTRODUCTION: THE HISTORICAL PERSPECTIVE OF PETITIONERS' EXPATRIATION

The Preamble to the United States Constitution of 1787, on September 17, 1787, set out six reasons why

government was formed ***to serve the People***, when the founding fathers boldly proclaimed that, "***We the People of the United States***, in Order to form a more perfect Union, (1), establish Justice, (2), insure domestic Tranquility, (3), provide for the common defence, (4), promote the Blessings of Liberty to ourselves (5) and our Posterity, (6), ***do ordain and establish this Constitution for the United States of America***." In so stating, the framers defined the right and proper relationships of sovereign authority to power vested in the private people – ***in dominion over a government which was created and established to serve the minimum needs of its Creators, the People***. The framers understood well the Biblical concept of sovereignty and were themselves, without exception, men of disparate faiths personally, in imperfect submission to a Most High Sovereign God. Benjamin Franklin, when asked, as he departed the Constitutional Convention in Philadelphia, "Well, Ben, do we have a monarchy or a republic?", answered succinctly, " . . . a Republic, if you can hold on to it . . ." Indeed, a "***Republican Form of Government***" was "***guaranteed to every State in this Union***" by Article IV, Section 4 of the Constitution. One essential element, unknown, unanticipated, unfathomed by, and therefore beyond the comprehension of, the founding fathers in September 1787 was the whole concept of a "corporate" entity.

That about which Ben Franklin warned his questioner has, in fact, come to pass with passage of the 14th Amendment on July 9, 1868, the Federal Reserve Act of December 23, 1913 and the Emergency Acts of March 9, 1933, such that over the past 218 years ***the People***, themselves have acquiesced, essentially and functionally-speaking, to lose their effective Republic(s) in consequence, making

way for a post-Reconstruction Era democracy based on corporate existence. In the process, however, legislative safeguards were, in fact, installed by the Expatriation Act of July 27, 1868 to provide recourse and remedy to those individuals, like Petitioners, who preferred to live in the respective Republics of their own home state, as they were guaranteed by the Constitution.

With the passage of the Expatriation Act less than three weeks after ratification of the 14th Amendment, recourse and remedy was insured for those choosing ***not to live in subjugation*** to the government. That Act, never having been repealed, provides the lawful basis for the current statutory provisions at 8 U.S.C. § 1481(a)(5) and (6) and (b), (B-1), upon which all Petitioners stand and for which there exists in the ***current*** US Code no underpinning legislative authority.

Please understand: Petitioners have absolutely no quarrel with a government corporation that seeks to regulate its own corporate property. Petitioners' squabble comes when the corporate government seeks to impose itself illegally and unlawfully, and with a vengeance, without full disclosure, and under color of law, upon and against common law-abiding and unincorporated individual human beings to dispossess them of their private *de jure* property. Petitioners ***used to be*** sixty+ year old unsuspecting products of the corporate educational system and democratic society – until two and a half years ago – at which time each, . . . quite independently, began to seriously search out their own alternatives within the law, . . . each coming to an ultimate personal conclusion to exercise that recourse and remedy which would re-establish all, as still-imperfect human beings, under the sole authority of our Most High Sovereign God. In reclamation of that

personal sovereignty, Petitioners were, ***according to the constitutional and statutory law of the United States***, now sovereign; they were restored in dominion over the government and no longer subject to the statutory requirements of 14th Amendment citizens. As you recall, the precise verbiage of the 14th Amendment reads:

"Section 1. All persons born or naturalized in the United States ***and subject to*** the jurisdiction thereof, are citizens of the United States and of the State wherein they ***reside***.

Section 2. Congress shall have power to enforce this article by appropriate legislation."

ARGUMENT PER SE

The Supreme Tribunal of the united States should grant this joint petition (in the nature of a respectful sovereign demand) for a common law Writ of Certiorari because this appeal conforms to multiple requirements of this body's governing review on certiorari, pursuant to U.S.S.C. Rule 10, and represents one half of a cross-circuit consolidated review of four cases from the 6th and 8th Circuits, Application No. 04A710, (Vedder, due May 06, 2005) and Application No. 04A711, (White), respectively which:

A. raise serious constitutional questions regarding individual sovereignty and the impairment of obligations of a private contract, executed between co-petitioners, without the UNITED STATES, exclusive of the courts, and a deprivation of civil and common law

rights under color of law, pursuant to 8 U.S.C. § 1481(a)(6) and (b);

B. *from which surge* identical, similar and/or closely related issues, as framed in the questions, that have resulted in multiple aberrant inferior judicial decisions;

C. which the 8th USCA both committed ***and*** which it further permitted and sanctioned, by example and otherwise, so far a departure from the accepted and usual course of judicial proceedings in the USDC Northern IOWA and USDC Western AR courts as to call for an exercise of this Supreme tribunal's supervisory authority, inspection and power;

D. Petitioners, furthermore, bring before the court relevant statutory issues, pursuant to 8 U.S.C., Aliens and Nationality, § 1481(a)(6) and (b), which have never before been considered or tested and for which there exists no ***current*** underlying legislative authority.

Discussion of A: Serious constitutional questions are raised regarding individual sovereignty and the impairment of obligations of a private contract, executed between co-petitioners, without the UNITED STATES, exclusive of the courts, and a deprivation of civil and common law rights under color of law, pursuant to 8 U.S.C. § 1481(a)(6) and (b). Petitioners know, even though this Court has yet to determine, that each petitioner herein has complied with the statutory requirements necessary to exercise their 14th Amendment recourse and remedy, pursuant to 8 U.S.C., Aliens and Nationality, § 1481(a)(6), and that the government has failed to rebut, with any credible evidence

to the contrary at any time, pursuant to 8 U.S.C. § 1481(b), as was both noticed and statutorily required. Thus, petitioners have, in fact, reclaimed their *de jure* republican dominion in sovereignty over all government instrumentalities. The *de facto* government, however, has systemically and systematically, refused to recognize that *de jure* sovereignty. The impairment of the obligations of Petitioners' private contract, executed between co-petitioners, without the UNITED STATES, and exclusive of the courts by the officers of the BREMER COUNTY (IOWA) DISTRICT COURT and the UNITED STATES DISTRICT COURT for Northern Iowa is directly responsible for bringing this matter before the Supreme high tribunal of the united States. The insidious, progressive, intentional erosion and expenditure of Petitioners' private resources, ***in both money and irreplaceable time***, is absolutely unconscionable when one realizes that ***every first year law student*** is taught the concept of sovereignty . . . and contract, as the fundamental precept of civil law. In no reasonable manner can the officers of the inferior courts plead ignorance to explain the accountability of their actions to date. By training, experience and access to professional resources that are closed to Petitioners, they are more favorably positioned than Petitioners to "know the law and be well disposed to use it." Therefore, each could have been reasonably expected, as judicial functionaries, to be familiar with the settled case law pertaining to sovereignty, among others, of *Hale v. Henkel*, 201 U.S. 43 (1906), which said, to wit:

> "The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his

business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the protection of his life and property. His ***rights are such as existed by the law of the land long antecedent to the organization of the state, and can only be taken from him by due process of law, and in accordance with the Constitution.*** Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights."

or *Chisholm v. Georgia*, 2 DALL (U.S.) 419, 454, 1 L.Ed. 440, 455, 2 DALL 1793, pp. 471-472, to wit,

" . . . at the Revolution, the sovereignty devolved on the people, and they are truly the sovereigns of the country, but they are sovereigns without subjects . . . with none to govern but themselves, the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty."

or 4 *Wheat*. 402, to wit: "The People are the fountain of sovereignty. Governments are but trustees. The People, as the original fountain, might take away what they have lent and entrust to whom they please."

or *Luther v. Borden*, 48 U.S. 1, 12 L.Ed. 581 (1841), to wit: " . . . The governments are but trustees acting under derived authority and have no power to delegate what is not delegated to them. But the people, as the original fountain might take away what they have delegated and in trust to whom they please . . . The sovereignty

in every state resides in the people of the state and they may alter and change their form of government at their own pleasure."

or *Julliard v. Greenman*, 110 U.S. 421 (1884), to wit: " . . . there is no such thing as a power of inherent sovereignty in the government of the United States. It is a government of delegated powers, supreme within its prescribed sphere, but powerless outside of it. In this country, sovereignty resides in the people, and congress can exercise no power which they have not, by their constitution, intrusted to it; all else is withheld."

or *PERRY v. U.S.*, 294 U.S. 330 (1935), to wit: "In the United States, sovereignty resides in the people . . . the Congress cannot invoke the sovereign power of the People to override their will thus declared."

or *U.S. v. GENERAL MOTORS CORPORATION*, D.C. Ill., 2 F.R.D. 528, 530, to wit: "In common usage the word 'person' does not include the sovereign, and statutes employing the word are generally construed to exclude the sovereign."

or *16 American Jurisprudence 2d*, Sovereignty of states, § 281, to wit:

"The original thirteen states existed prior to the adoption of the Federal Constitution and before that time possessed all the attributes of sovereignty. All these attributes except those surrendered by the formation of the Constitution and the amendments thereto have been retained. But the sovereign power of the states is necessarily diminished to the extent of the grants of power to the federal government in the Constitution, and it is subject to the restraints and limitations of the Constitution.

or *Lansing v. Smith*, 21 D. 89, 4 Wendel 9 (1829) (New York), to wit:

"The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. Through the medium of their Legislature they may exercise all the powers which previous to the Revolution could have been exercised either by the King alone, or by him in conjunction with his Parliament; subject only to those restrictions which have been imposed by the Constitution of this State or of the U.S."

or, more recently, *AFROYIM v. RUSK*, 387 U.S. 253 (1967), to wit:

"Other nations are governed by their own constitutions, if any, and we can draw no support from theirs. ***In our country the people are sovereign and the Government cannot sever its relationship to the people by taking away their citizenship. Our Constitution governs us and we must never forget that our Constitution limits the Government to those powers specifically granted or those that are necessary and proper to carry out the specifically granted ones.*** The Constitution, of course, grants Congress no express power to strip people of their citizenship, whether in the exercise of the implied power to regulate foreign affairs or in the exercise of any specifically granted power. ***And even before the adoption of the Fourteenth Amendment***, views were expressed in Congress and by this Court that under the Constitution the ***Government was granted no power, even under its express power to pass a uniform rule of naturalization, to determine***

what conduct should and should not result in the loss of citizenship."

or *State v. Simon*, 2 Spears 761, 767 (1884), or *Taylor v. Porter*, 4 Hill 140, 146 (1843), to wit: "Law of the Land" means the "Common Law"

or The Constitution of the Republic state of Tennessee, May 5, 1870, Declaration of Rights, at Articles 1 and 2, to wit:

"ARTICLE I DECLARATION OF RIGHTS

Sec. 1. ***All power inherent in the people – Government under their control.***
That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; for the advancement of those ends ***they have at all times, an unalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper.***

Sec. 2. ***Doctrine of nonresistance condemned.***
That government being instituted for the common benefit, ***the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind."***

Supreme Court Associate Justice SUTHERLAND said, in *Home Building and Loan Association v. Blaisdell*, 290 U.S. 398 (1934), "If the provisions of the Constitution be not upheld when they pinch, as well as when they comfort, they may as well be abandoned." Petitioners surely anticipate that they have not or will not be so abandoned herein! Yes, one might reasonably have expected these

attorneys and judges to be so familiar. By virtue of their education, their ignorance is neither assumed nor presumed; in fact, their ignorance is vociferously refuted and can be easily traced. By their fruit are they known and by their fruit, they have demonstrated, in their orders and opinions, both signed and filed, as well as ***unsigned and unfiled***, their consistent ***reciprocal refusal*** to uphold the Constitution, the statutory law or their own court's rules of evidence and procedure, as they were bound to do by their (assumed[1]) individual public servant oaths. The end result of this lawless behavior was that Petitioners' fourth generation centennial farm, (their private *de jure* property) was seized and sold by a *de facto* Sheriff of BREMER COUNTY, STATE OF IOWA, on the order of a *de facto* BREMER COUNTY (IOWA) DISTRICT COURT on December 03, 2004, without due process of law . . . and the Petitioner's sovereign complaint against a 14th Amendment citizen was improperly and unlawfully dismissed – on the sole testimony of counsel in the presence of no credible contravening evidence to support Respondents' position!!! These attorneys and judges have long lived by the unspoken code of defense lawyers: "if you can't beat 'em on the facts, beat 'em on procedure, . . . and if that fails, lie or do whatever is necessary – by any means necessary – in order to prevail!"

Are Respondents, their counsel and other involved officers of these various courts ignorant of *TRINSEY v. PAGLIARO*, D.C. Pa. 1964, 229 F. Supp. 647, which held, to

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[1] If they have no oath or public servant bond on file *somewhere*, they are occupying a position of authority and power illegally, unlawfully and in direct violation of the requirements of their office, as set out in Article VI of the Constitution of September 17, 1787.

wit: "Statements of counsel in their briefs or argument, while enlightening to the Court, are not sufficient for purposes of granting a motion to dismiss or summary judgment"? . . . In fact, Petitioners know this to be ***NOT*** the case – for Petitioners ***themselves*** have so enlightened their adversaries, having used this case and others on numerous occasions, in countless exhaustive pleadings before the various inferior bodies!!

Discussion of B: From the sinister decisions encompassed by this cross-circuit appeal surge identical, similar and/or closely related issues, as framed in the questions presented for review, that have resulted in multiple aberrant inferior judicial decisions. The Court should grant a Writ of Certiorari on Petitioners' behalf because, out of the government's refusal to recognize Petitioners' sovereignty, a systematic and systemic Pandora's box of abuse, injustice and imprudence by government functionaries has erupted, some more violent, threatening and extreme than others. As expressed on page two of Petitioners' Declaration of True Citizenship and Non-juristic Status documents presented to the statutorily designated officer of the Attorney General on March 15, 2004,

"The U.S. supreme Court declared in the case of *Hooven and Allison Co. v. Evatt*[2][8] that:

> *The term 'United States' may be used in any one of several senses. It may be merely:*

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[2] (in the original[6]) *Hooven and Allison Co. v. Evatt*, U.S. Ohio, 324 U.S. 652, 65 S.Ct. 870, 880, 89 L.Ed. 1252.

[1] the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations (hereinafter referred to as "United States or United States of America"), or

[2] it may designate the territory over which the sovereignty of the United States extends [324 U.S. 652, 672], (hereinafter referred to as "UNITED STATES"); or,

[3] it may be the collective name of the states which are united by and under the Constitution. (hereinafter referred to as "united States of America")

Be advised that I am not expatriating from the United States or these united States of America the country (the first and third definitions above). I am expatriating from the municipal corporation (de facto UNITED STATES and its [federal corporate sub-entity] STATES) which is the second definition above. [emphasis added] The UNITED STATES is located and has jurisdiction only in the District of Columbia, U.S. military bases, federal territories and other areas (land) ceded to the United States of America. UNITED STATES citizenship is derived from section 1 of the 14th Amendment to the Constitution.

To remove all doubt, the municipal corporation from which I am expatriating is described in *U.S.C. Title 28, §3002.* Definitions as follows:

(15) "United States" means –

(A) a Federal corporation;

(B) an agency, department, commission, board, or other entity of the United States; or

(C) an instrumentality of the United States.

> My allegiance is to the *Arkansas, [Tennessee], state (Republic) and then to these united States of America as they each submit to and adhere to the limitations on their respective powers as set forth in the Constitution for the United States.*" [emphasis added]

Let there be absolutely no doubt in regard to either the allegiance or the patriotism of these Repatriated Petitioners, as is evidenced by the facts reflected in the content of their Declarations of True Citizenship and Non-juristic Status itself!! As acknowledged in *Minor v. Happersett*, 88 U.S. 162 (1874), to wit,

> "There cannot be a nation without a people. The very idea of a political community, such as a nation is, implies an [88 U.S. 162, 166] association of persons for the promotion of their general welfare. Each one of the persons associated becomes a member of the nation formed by the association. He owes it allegiance and is entitled to its protection. Allegiance and protection are, in this connection, reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance."

is thus derived from Article 4, Section 4 of the US Constitution of September 17, 1787, to wit: " . . . and shall protect each of them against invasion; . . . " Furthermore, *Minor v. Happersett* was based on the nearly precise language of the 1758 work, *The Law of Nations*, by Swiss legal philosopher Emmerich de Vattel, himself a mentor of the founding fathers, prior to the creation of the Constitution of the United States, *supra*.

If, . . . from *Minor v. Happersett, supra*, " . . . Allegiance and protection are, in this connection, reciprocal obligations, – the one is a compensation for the other; allegiance for protection and protection for allegiance.", where then was the compensation tendered (in exchange for Petitioners' allegiance) by the *de facto* corporate STATE OF IOWA in the unlawful seizure of the Petitioners White's private property, ***guaranteed to them*** by Article IV, Section 4 of the Constitution of September 17, 1787 and the 1st, 4th, 5th, 7th, 9th and 10th Amendments, ratified on December 15, 1791 and attached thereto? We will argue in brief, therefore, that there was none and that Petitioners were unlawfully stripped and dispossessed of their private property, having committed no crime in either common or statutory law to account for the *de facto* unlawful seizure of their fourth generation centennial Iowa farm.

Discussion of C: The 8th Circuit Court of Appeals has decided here an important federal question of sovereignty in a way that conflicts with multiple relevant decisions of the United States Supreme Court. The Court should grant a Writ of Certiorari on Petitioners' behalf because the 8th USCA both committed and further permitted and sanctioned so far a departure from the accepted and usual course of judicial proceedings in the USDC Northern IOWA and USDC Western AR as to call for an exercise of this Court's supervisory authority, inspection and power. The USCA reviewed the file, which included the expatriation documents of both Petitioners, without designation. Despite evidence to the contrary, USDC Northern IOWA clerks docketed the Plaintiffs as ***PRO SE***, because there was no ***bar-licensed attorney*** designation. The cover, however, clearly showed Petitioners to be "Donald

E. White and Austa M. White, *in propria persona*, Sui Juri, Repatriated Plaintiffs". Likewise, Co-petitioner Vedder's ***NOTICE*** of Entry of Appearance, (A-41 *v.* A-31 [6]), accompanied by her Declaration of True Citizenship and Non-juristic Status and the contract between sovereigns herein under scrutiny, (B-151), was altered and docketed by the USDC Northern IOWA clerks as a "Motion for Leave to Appear".

The 8th Circuit Court of Appeals has never written an opinion in this entire matter, relevant to Petitioners' appeal protesting the Interlocutory Order of the USDC Northern IOWA Magistrate's stamp, i.e. "order", prohibiting USDC Northern IOWA clerks from accepting documents filed by Co-petitioner Vedder. The USCA ***unsealed*** order of judgment of October 22, 2004 simply dismissed Petitioners' appeal and denied their URGENT, (A-17), demand for a federal stay of execution. This order ***was not sealed or filed until December 13, 2004***, (A-28), after the ***unsealed*** order of November 24, 2004 denying an en banc rehearing was issued and ***four days post*** to the USCA's issuance of the mandate on December 09, 2004, (A-4).

With the ***unsealed unfiled*** order of October 22, 2004 driving the action ***within*** the Petitioners' U.S.S.C. Rule 13.1 ninety day appellate period, the USDC Northern IOWA raced on to conclusion, from October 22, 2004, (A-26), to January 21, 2005, (A-59), with a Clerk's Judgment based on the ***unsigned and unfiled judicial orders*** of October 22, 2004 and January 21, 2005. Along the way, Respondents' every motion was each affirmed, every Petitioners' demand was denied, including a demand for recusal of the lying administrative officer of the Article I USDC Northern IOWA court, in complete and total disregard for the truth, the rules of evidence or the rules of civil or appellate procedure.

Along the way, the USDC Northern IOWA attempted to require Petitioners to relinquish their sovereignty as a ***contingent condition for hearing this justicable matter*** in that court. This action was unlawful and void because it was in clear contravention of both *MIRANDA v. ARIZ.*, 384 U.S. 436 at 491 (1966), to wit:

> "As courts have been presented with the need to enforce constitutional rights, they have found means of doing so. That was our responsibility when Escobedo was before us and it is our [384 U.S. 436, 491] responsibility today. Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."

and *TIGNER v. STATE OF TEXAS*, 310 U.S. 141 (1940), to wit:

> " . . . we must be mindful not of abstract equivalents of conduct, but of conduct in the context of actuality. Differences that permit substantive differentiations also permit differentiations of remedy."

Petitioners were not seeking any differential remedy, despite their differential status, except that they procedurally made their appeal, as an Article III proceeding, pursuant to *O'DONOGHUE v. U.S.*, 289 U.S. 516 (1933), directly to the 8th Circuit Court of Appeals from the BREMER COUNTY, IOWA DISTRICT COURT. With each inferior court still responding to Petitioners as *PRO SE* parties, this move apparently sent the Article I clerical staff, in particular, into a proverbial judicial tailspin as Petitioners stepped outside their *pro se* box for, having seen so few, they knew not how to accommodate a sovereign.

Urgent federal intervention was needed, (A-26), and permitted, however, in the face of a lawless District Court[3], still rolling forward to foreclosure. The complexity of moving two families with two (2) two year old children, 150 head of Black Angus beef cattle and approximately five million dollars worth of large and small farm equipment to safety, in the ***middle*** of harvest season, to prepare for a sale on the courthouse steps two weeks before Christmas required the swift intervention of the federal courts and was permitted by Petitioners' sovereign status, as an Article III proceeding, pursuant to *O'DONOGHUE v. U.S. supra*, a copy of which was attached to the BREMER COUNTY Appeal and consideration. Petitioners were simply trying to affect the most expeditious solution to a horrendous judicial mess not of their own making, already now made worse by the USCA's clerk forwarding the paperwork to Fort Smith, Arkansas where the case had never been situated. Complicating matters further was the fact that the judge in Fayetteville, (USDC Western AR), with the Bremer appeal paperwork of the Order of August 04, 2004 ***in hand***, (A-75), then issued an order of October 07, 2004, (A-76), that refunded the Bremer consideration, thereby negating the Bremer appeal, and dropped the ***Bremer*** paperwork in the ***USDC Western AR file*** of #04-5050! Petitioners' response was, " . . . Absolutely incredible!"

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[3] BREMER COUNTY (IOWA) 2nd JUDICIAL DISTRICT COURT has never yet answered the May 21, 2004 Defendants' Challenge of Jurisdiction, the rational for Petitioners' refusal to attend the October 06, 2004 hearing, from which the *falsified* Order of Foreclosure issued, stating Petitioners were present and representing themselves. The failure to meet a Challenge of Jurisdiction on the record *makes void all orders issuing therefrom*, including the October 06, 2004 Order of Summary judgment and Foreclosure, per voluminous case law previously argued on the record.

Petitioners sincerely believe this action was intentional rather than incompetent.

Petitioners were simply attempting to bring their justicable controversy, the merits of which had yet to be heard, before an impartial judiciary in the spirit of Federal Rules of Civil Procedure, Rule 8(f) and *CONLEY v. GIBSON*, 355 U.S. 41 (1957) wherein Justice Hugo Black heroically stated, to wit:

> "Following the simple guide of Rule 8(f) that "all pleadings shall be so construed as to do substantial justice," we have no doubt that petitioners' complaint adequately set forth a claim and gave the respondents fair notice of its basis. *The Federal Rules reject the approach that pleading is a game of skill in which one misstep* ***by counsel*** *may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits."*

Still racing forward in Petitioners' USCA appellate period, Petitioners' entire complaint was dismissed in USDC Northern Iowa on January 21, 2005, (A-57). Having established the ***very grounds*** in two separate locations[4] within the complaint, upon which the administrative officer alleges Petitioners' claim failed[5], Petitioners, who are not even "counsel" as *CONLEY, supra*, allows, are unwilling to permit the possibility that the order of January 21, 2005, administratively dismissing Petitioners' complaint

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[4] as in "Parties", ¶8, and as in "Jurisdiction", ¶19

[5] alleging that "Petitioners make no allegation as to the citizenship of LINCOLN SAVINGS BANK and LINCOLN BANCORP . . . Accordingly, Plaintiffs have failed to establish complete diversity between the parties."

without ever having been heard, ***was unsigned or unfiled as a Rule 60 oversight*** in view of the ***content of the order itself*** and the history of the case tracking through four courts simultaneously.

Neither are Petitioners inclined to allow this high level treachery to remain unrebutted without a highly aggressive confrontation. Aberrant judicial behavior such as this not only does a ***grave*** injustice to the individual petitioners and the judicial office itself but, in kind, accounts for a general extra-legal denigration of the profession itself and is in direct violation of all moral ethics, the spirit of justice, the Judicial Code of Conduct as well as the legal profession's Rules of Professional Conduct. Yet another sad consequence of such judicial wrong-doing is that decisions like this ultimately tear down the larger society, as the Judicial Code of Conduct itself affirms.

Discussion of D: Petitioners, furthermore, bring before the court relevant statutory issues, pursuant to 8 U.S.C., Aliens and Nationality, § 1481(a)(6), which have never before been considered by this tribunal and for which no current underlying legislative authority exists. Although there are numerous citations regarding sovereignty available to all parties, some of which previously have been identified herein, there is no current underlying CFR that provides authority for 8 U.S.C. § 1481. Given the rapidity with which Congress and the attorneys employed by administrative agencies change the content of the United State Code, and given that the Expatriation Act of July 27, 1868 has never been repealed, a de novo hearing on this matter seems apparent. Petitioners have been unable to locate any precedent cases, at least within the limited resources

available to non-bar licensed sovereigns, which indicate that the inferior courts' implementation of 8 U.S.C. § 1481(a)(6) has ever been tested with an actual *in propria persona* case before the Supreme tribunal of the united States. Given the magnitude and pervasiveness of the assault on the 1st, 4th, 5th, 7th, 9th and 10th Amendment civil rights derived from this statute which is directly affecting Petitioners White, Petitioners know, believe and pray that this Court be compelled by its sense of right, wrong and fair dealing to consider this matter, de novo.

CONCLUSION

This petition for a joint common law writ of certiorari, along with that of Co-Petitioner Vedder's Application No. 04A710, due May 6, 2005, in the nature of most *respectful* sovereign demands, should be granted for all of the reasons herein stated, pursuant to U.S.S.C. Rule 10.

Graciously appreciated and
Respectfully submitted,
With a reservation of all rights,

DONALD E. WHITE, *In propria personna,* Sui Juris
Repatriated Petitioner,
pursuant to 8 U.S.C.
§ 1481(a)(6)
Without prejudice,
In Care of 75 Davis Circle
Bella Vista,
Republic state of Arkansas,
Postal Zone [72714-5611]
(479) 855-8767

AUSTA M. WHITE, *In propria personna,* Sui Juris
Repatriated Principal,
pursuant to 8 U.S.C.
§ 1481(a)(6)
Without prejudice,
In Care of 75 Davis Circle
Bella Vista,
Republic state of Arkansas,
Postal Zone [72714-5611]
(479) 855-8767

ANITA J. VEDDER, *In propria personna,*
Repatriated Petitioner,
pursuant to 8 U.S.C.
§ 1481(a)(6)
Without prejudice,
In Care of 1000 Kilgrow Court
Smyrna,
Republic state of Tennessee
Postal Zone [37167-5967]
(615) 337-7008

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APPENDIX A
UNITED STATES SUPREME COURT

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

William K. Suter
Clerk of the Court
(202) 479-3011

February 16, 2005

Mr. Donald E. White
75 Davis Circle
Bella Vista, AR 72714-5611

Re: Austa M. White, et al.
v. Steven A. Tscherter, et al.
Application No. 04A711

Dear Mr. White:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to Justice Thomas, who on February 16, 2005 extended the time to and including March 22, 2005.

This letter has been sent to those designated on the attached notification list.

Sincerely,

William K. Suter, Clerk

by /s/ Ann McCamey
Ann McCamey

Case Analyst

UNITED STATES
COURT OF APPEALS FOR THE
EIGHTH CIRCUIT

US Court of Appeals for the Eighth Circuit
Case Summary

Court of Appeals Docket #: 04-3267 Filed: 9/17/04
Austa M. White, et al v. Steven A. Tscherter, et al
civil – private – none PRO SE
Appeal from: U.S. DISTRICT COURT, NORTHERN IOWA

Lower court information:
District: 0862-1 : 1:04-cv-93-LRR
Trial Judge: Linda R. Reade, U.S. District Judge

9/17/04 Civil Case Docketed. Dist. Ct. Office: Cedar Rapids (llb)

9/17/04 CERTIFIED copies notice of appeal, docket entries, and order 9/3/04 from district court [04-3267] [1812496] (llb)

9/22/04 ORDER filed: Court will consider appeal on original file of the district court in lieu of designated record. The Clerk of the district court is requested to forward the file. [04-3267] [1814113] (llb)

9/24/04 RECORDS received: Original File, consisting of 2 Volumes – vols. 1 and 2. Location STL. [04-3267] (stl)

10/4/04 APPEARANCE for appellee, attorney Patrick G. Vickers [04-3267] [1818298] (llb)

10/4/04 MOTION of aplee, Steven A. Tscherter, Dana Uhlenhopp, Cordell Q. Peterson, James Schneider, Carol Petersen, J. Does, Lincoln Savings Bank, Lincoln Bancorp, to dismiss case [04-3267] [1818299] w/service 9/30/04 (llb)

10/4/04 MOTION of aplnt, Austa M. White, Donald E. White, for stay of foreclosure. [04-3267] [1818300] (llb)

10/12/04 RESPONSE of aplee, Steven A. Tscherter, et al, in opposition to appellant motion for stay filed by Austa M. White, Donald E. White [1818300-1] [04-3267] [1821216] . (llb)

10/14/04 RECEIVED Proposed Order for Stay of Execution on Bremer County, IA, Order from Donald E. White for Appellants Donald E. White, Austa M. White for Appellants Austa M. White TO COURT. [04-3267] (cmd)

10/21/04 RECEIVED miscellaneous documents from Appellants Donald E. White, Austa M. White – NO ACTION TAKEN. [04-3267] (dms)

10/22/04 JUDGMENT: Michael J. Melloy, Theodore McMillian, Steven M. Colloton. granting appellee motion to dismiss case [1818299-1] [04-3267] [1825212] denying appellant motion for stay [1818300-1] filed by Austa M. White, Donald E. White (dms)

10/27/04 RECEIVED additional documents regarding stay from Appellants Donald E. White and Austa M. White – NO ACTION TAKEN (stay denied; docments crossed in the mail). [04-3267] (dms)

11/2/04 PETITION for rehearing by the panel, filed by Appellants Austa M. White, Appellants Donald E. White w/service 11/1/04, TO COURT. [04-3267] (dms)

11/2/04 MEMORANDUM IN SUPPORT regarding petition for panel rehearing filed by Austa M. White, Donald E. White [1831442-1]. Memo Filed by Appellants Austa M. White, Appellants Donald E. White TO COURT. [04-3267] [1831443] (dms)

11/24/04 JUDGE ORDER: denying petition for panel rehearing [1831442-1] filed by Austa M. White, Donald E. White [04-3267] [1837897] (dms)

12/9/04 MANDATE ISSUED [04-3267] (dms)

12/15/04 RECEIPT for Mandate. [04-3267] [1852149] (dkm)

2/22/05 Supreme Court notice received extending time to file petition for writ of certiorari until March 22, 2005. [04-3267] (dms)

PERSONAL AFFIDAVIT OF
Donald E. White

Under penalty of perjury, pursuant to the laws of the corporate UNITED STATES, the STATE OF ARKANSAS and the STATE OF IOWA, and the Republic states of Arkansas and Iowa, I do solemnly affirm that the statements I am about to make are based on my first hand knowledge of the facts and that they are true, correct and complete and without distortion or omission.

1. My name is Donald E. White. I am fully competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. I was ***NOT*** present in the Bremer County Court Room, 415 East Bremer Avenue, Waverly, Iowa at 10:00 a.m. on Wednesday, October 6, 2004, as stated in "Order Granting Summary and Default Judgment and Decree of Foreclosure", paragraph one, Case Number EQCV002218, filed at 10:28 AM with the Bremer County Iowa Clerk of Court and signed by Judge John Mackey.

3. I was at the farm, 1052 – 170th Street, Plainfield, Iowa, working on the corn dryer with my youngest son, James C. White.

4. I hereby verify and certify that my above statements are true and correct.

With All Rights Reserved, UCC § 1-207

/s/ Donald E. White
Donald E. White, Sui Juris
In propria persona
Repatriated Sovereign,
pursuant to 8 USC §1481(a)(6)

Without Prejudice, UCC §1-207
In care of 75 Davis Circle
Village of Bella Vista
Republic state of Arkansas
Postal zone {72714-5611}
(479) 855-8767

NOTARIAL AFFIDAVIT

COUNTY OF BENTON)
) SS
STATE OF ARKANSAS)

BE IT KNOWN that:

On this 13th day of October, 2004, did appear before me, one, *Donald E. White*, known to be or proved to me, to be one and the same, who affirmed under penalties of perjury of the UNITED STATES AND the STATE OF ARKANSAS, that the statements made herein are true, correct and complete and without distortion or omission

SUBSCRIBED AND AFFIRMED before me:

/s/ Kizzy L. Hill
Notary Public in and for the State of Arkansas

Address: 405 N. Walton
Bentonville, AR 72712

Seal:

My Commission Expires: 6/6/2010

OFFICIAL SEAL
KIZZY L. HILL
NOTARY PUBLIC-ARKANSAS
BENTON COUNTY
MY COMM. EXPIRES
06/06/2010

PERSONAL AFFIDAVIT OF
Austa M. White

Under penalty of perjury, pursuant to the laws of the corporate UNITED STATES, the STATE OF ARKANSAS and the STATE OF IOWA, and the Republic states of Arkansas and Iowa, I do solemnly affirm that the statements I am about to make are based on my first hand knowledge of the facts and that they are true, correct and complete and without distortion or omission.

1. My name is Austa M. White. I am fully competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. I was ***NOT*** present in the Bremer County Court Room, 415 East Bremer Avenue, Avenue, Waverly, Iowa at 10:00 am. on Wednesday, October 6, 2004, as stated in "Order Granting Summary and Default

Judgment and Decree of Foreclosure", paragraph one, Case Number EQCV002218, filed at 10:28 AM with the Bremer County Iowa Clerk of Court and signed by Judge John Mackey.

3. I was at home, at 75 Davis Circle, Bella Vista, Arkansas. Proof of my presence can be verified by telephone records and one friend who saw me in my home during that day.

4. I hereby verify and certify that my above statements are true and correct.

With All Rights Reserved, UCC § 1-207

/s/ Austa M. White
Austa M. White, Sui Juris
In propria persona
Repatriated Sovereign,
pursuant to 8 USC §1481(a)(6)

Without Prejudice, UCC §1-207
In care of 75 Davis Circle
Village of Bella Vista
Republic state of Arkansas
Postal zone {72714-5611}
(479) 855-8767

NOTARIAL AFFIDAVIT

COUNTY OF BENTON)
) SS
STATE OF ARKANSAS)

BE IT KNOWN that:

On this 3th day of October, 2004, did appear before me, one, *Austa M. White*, known to be or proved to me, to be one and the same, who affirmed under

penalties of perjury of the UNITED STATES AND the STATE OF ARKANSAS, that the statements made herein are true, correct and complete and without distortion or omission

SUBSCRIBED AND AFFIRMED before me:

/s/ Kizzy L. Hill
Notary Public in and for the State of Arkansas

Address: 405 N. Walton
Bentonville, AR 72712

Seal:

My Commission Expires: 6/6/2010

OFFICIAL SEAL
KIZZY L. HILL
NOTARY PUBLIC-ARKANSAS
BENTON COUNTY
MY COMM. EXPIRES
06/06/2010

PERSONAL AFFIDAVIT OF
James C. White

Under penalty of perjury, pursuant to the laws of the corporate UNITED STATES, the STATE OF IOWA, and the Republic state of Iowa, I do solemnly affirm that the statements I am about to make are based on my first hand knowledge of the facts and that they are true, correct and complete and without distortion or omission.

1. My name is James C. White. I am fully competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. I was ***NOT*** present in the Bremer County Court Room, 415 East Bremer Avenue, Avenue, Waverly, Iowa at 10:00 am. on Wednesday, October 6, 2004, as stated in "Order Granting Summary and Default Judgment and Decree of Foreclosure", paragraph one, Case Number EQCV002218, filed at 10:28 AM with the Bremer County Iowa Clerk of Court and signed by Judge John Mackey.

3. I was at the farm, 1052 170th Street, Plainfield, Iowa, working on the corn dryer with my father, Donald E. White.

4. I hereby verify and certify that my above statements are true and correct.

With All Rights Reserved, UCC § 1-207

/s/ James C. White
James C. White,
Without Prejudice, UCC §1-207
1052 – 170th Street
Plainfield, IA 50666
(319) 276-3516

NOTARIAL AFFIDAVIT

COUNTY OF BREMER)
) SS
STATE OF IOWA)

BE IT KNOWN that:

On this 12th day of October, 2004, did appear before me, one, *James C. White*, known to be or proved to me, to be one and the same, who affirmed under penalties of perjury of the UNITED STATES AND the STATE OF IOWA, that the statements made

herein are true, correct and complete and without distortion or omission

SUBSCRIBED AND AFFIRMED before me:

/s/ Lynnette Biermann
Notary Public in and for the State of Iowa

Address: 307 S. Main
Tripoli, IA 50676

Seal:

My Commission Expires: 5/11/05

OFFICIAL SEAL
LYNNETTE BIERMANN
NOTARY PUBLIC-IOWA
BREMER COUNTY
MY COMM. EXPIRES 05-11-05

PERSONAL AFFIDAVIT OF
Jenni L. White

Under penalty of perjury, pursuant to the laws of the corporate UNITED STATES, the STATE OF IOWA, and the Republic state of Iowa, I do solemnly affirm that the statements I am about to make are based on my first hand knowledge of the facts and that they are true, correct and complete and without distortion or omission.

1. My name is Jenni L. White. I am fully competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. I was ***NOT*** present in the Bremer County Court Room, 415 East Bremer Avenue, Avenue, Waverly, Iowa at 10:00 am. on Wednesday, October 6, 2004, as

stated in "Order Granting Summary and Default Judgment and Decree of Foreclosure", paragraph one, Case Number EQCV002218, filed at 10:28 AM with the Bremer County Iowa Clerk of Court and signed by Judge John Mackey.

3. I was at work in my position as a inside sales representative, at Unverferth Manufacturing, Shell Rock, Iowa 50670. Proof of my presence can be verified by my supervisor, Neil Brungard.

4. I hereby verify and certify that my above statements are true and correct.

With All Rights Reserved, UCC § 1-207

/s/ Jenni L. White
Jenni L. White,
Without Prejudice, UCC §1-207
1052 – 170th Street
Plainfield, IA 50666
(319) 276-3516

NOTARIAL AFFIDAVIT

COUNTY OF BREMER)
) SS
STATE OF IOWA)

BE IT KNOWN that:

On this 12th day of October, 2004, did appear before me, one, *Jenni L. White*, known to be or proved to me, to be one and the same, who affirmed under penalties of perjury of the UNITED STATES AND the STATE OF IOWA, that the statements made herein are true, correct and complete and without distortion or omission

SUBSCRIBED AND AFFIRMED before me:

/s/ Lynnette Biermann
Notary Public in and for the State of Iowa

Address: 307 S. Main
Tripoli, IA 50676

Seal:

My Commission Expires: 5/11/05

OFFICIAL SEAL
LYNNETTE BIERMANN
NOTARY PUBLIC-IOWA
BREMER COUNTY
MY COMM. EXPIRES 05-11-05

PERSONAL AFFIDAVIT OF
John W. White

Under penalty of perjury, pursuant to the laws of the corporate UNITED STATES, the STATE OF ARKANSAS and the STATE OF IOWA, and the Republic states of Arkansas and Iowa, I do solemnly affirm that the statements I am about to make are based on my first hand knowledge of the facts and that they are true, correct and complete and without distortion or omission.

1. My name is John W. White. I am competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. I was present as an observer in the audience section of the Bremer County Court Room, 415 East Bremer Avenue, Waverly, Iowa at 10:00 a.m. on Wednesday, October 6, 2004 during the court proceeding that resulted in

Judge John Mackey's signed "Order Granting Summary and Default Judgment and Decree of Foreclosure", Case Number EQCV002218, filed at 10:28 AM with the Bremer County Iowa Clerk of Court.

3. I arrived at the courtroom at 10:00 AM.

4. I noticed that Mr. Vickers was already in the courtroom upon my arrival. A few minutes later the court reporter came into the room and had a tape with her to put into a recorder that was already on the bench. She turned to Mr. Vickers and said she was going to tape the session because the last time the defendants videotaped the hearing.

5. The court reporter then left the room, upon which time Mr. Vickers came from behind the bar, walked up to me and asked what I was doing in the court room. I told him I was just there to watch at which time he asked again what I was doing in the room, I again said I was there just to watch. He then asked which case I intended to watch and it was then that I told him that I was there to watch the Lincoln Savings Bank hearing. He then asked me if I was Jim White which I replied no to.

6. Mr. Vickers then went back to his table and at that time, the court reporter came back into the room. They both asked me if I knew where Don and Austa were and I said I didn't. Mr. Vickers then asked the court reporter if the hearing was now going to be held in the judge's chambers to which she replied she would go find out She came back and said that they would have the hearing in the courtroom.

7. The judge came in and started the hearing saying that the bank was being represented by Mr. Vickers and that he was present. He then made note that the defendants where not present and then asked Mr. Vickers to proceed. He presented the court documents

and an Affidavit from Dana Uhlenhopp and one from him for fees.

8. The judge asked Mr. Vickers if he was aware that a motion for a stay had been filed in the St. Louis Federal Appeals court to which he said he was. The judge said he called down to the court to see if a stay was in order but reported one had not been granted yet. He then asked if he was also aware of the Appeal for Jurisdiction being filed in the same court to which Mr. Vickers said he was also aware of. The Judge said that the order for summary judgment was so ordered.

9. I glanced at my clock as I was pulling out of the parking lot, the time was 10:21 AM.

10. I hereby verify and certify that my above statements are true and correct.

With All Rights Reserved, UCC § 1-207

/s/ John W. White
John W. White,
Without Prejudice, UCC §1-207
1052 – 170th Street
Plainfield, IA 50666
(319) 276-3487

NOTARIAL AFFIDAVIT

COUNTY OF BREMER)
) SS
STATE OF ARKANSAS)

BE IT KNOWN that:

On this 12th day of October, 2004, did appear before me, one, *John W. White*, known to be or proved to me, to be one and the same, who affirmed under

penalties of perjury of the UNITED STATES AND the STATE OF IOWA, that the statements made herein are true, correct and complete and without distortion or omission

SUBSCRIBED AND AFFIRMED before me:

/s/ Lynnette Biermann
Notary Public in and for the State of Iowa

Address: 307 S. Main
Tripoli, IA 50676

Seal:

My Commission Expires: 5/11/05

OFFICIAL SEAL
LYNNETTE BIERMANN
NOTARY PUBLIC-IOWA
BREMER COUNTY
MY COMM. EXPIRES 05-11-05

Anita J. Vedder
Without Prejudice, UCC §1-207
In Care Of 1000 Kilgrow Court
Smyrna, Republic state of Tennessee
Postal Zone [37167-5967]

8 October 2004
12 October 2004, re-dated and updated

Michael E. Gans,
Clerk of the United States Court of Appeals
For the Eighth Circuit
Thomas F. Eagleton Courthouse
Room 24.329
111 South 10th Street
St. Louis, Missouri
Postal Zone [63102]

Case #: **04-3267** on Appeal from US DISTRICT COURT-CR BREMER COUNTY, IOWA
Case#: EQCV002218

Fraudulent Promissory Notes
Decree of Foreclosure

PROPOSED ORDER FOR STAY OF EXECUTION ON BREMER COUNTY, IA ORDER

URGENT!! Repatriated Sovereign Plaintiff's Pending Stay of Execution pertaining to, and occurring as, an *Article III* proceeding: Bremer County, Iowa Decree of Foreclosure

LINCOLN SAVINGS BANK v. Donald E. and Austa M. White EQCV002218

URGENT!! URGENT!! URGENT!!
URGENT!! URGENT!! URGENT!!

How fast can you reasonably expect to move 150 head of Black Angus beef cattle and five million dollars

worth of large heavy-duty farm equipment
for want of a stroke of a pen???

Dear Mr. Gans:

I have today (October 8) received from Jim White, an email copy of BREMER COUNTY JUDGE JOHN MACKEY'S ***fraudulent, perjured and void*** Order, dated October 6, 2004, Granting Summary and Default Judgment and Decree of Foreclosure to Defendants herein, in favor of LINCOLN SAVINGS BANK, a copy of which is enclosed herewith. Republic state of Arkansas Repatriated Sovereigns, Don and Austa White, have yet to receive from the court their hard-copy by mail.

We currently have pending before this court a Demand for a Stay of Execution, which was mailed 09-30-04, subsequent to a 09-29-04 BREMER COUNTY, IOWA trial scheduling teleconference, from which I was excluded. The request for the Stay of Execution was presented, relevant to the October 4th hearing set down to consider the bank's Motion For Summary Judgment and foreclosure hearing.

We *urgently NEED* this Stay of Execution to be permitted and signed *if* the agri-business operation of Repatriated Plaintiffs and their sons are to be not irreparably *further* damaged – even beyond what has *ALREADY* occurred at the hands of this unscrupulous bank. *Their timing is impeccable.* The grain storage bins are nearly full, beans are done and corn harvest will be concluded within the month. Arrangements must be made to move multi-million dollars worth of *LARGE and small* pieces of equipment to a secure location. Alternative housing must be located for the 150 head of Black Angus beef cattle in son John White's cow-calf operation and the nearly-finished beef he has not quite ready yet for slaughter. And

the personal possessions of the two White sons, their wives and children must be relocated – *EVEN in the face of the fact* that the debts of these three promissory notes *HAVE YET TO BE VERIFIED BY LINCOLN SAVINGS BANK, in compliance with 15 USC §1692g. . . . !*

The Whites are facing a critical and unnecessarily-complex logistical nightmare within the next thirty (30) days – which can be alleviated completely with the stroke of a pen – should a single judge put his or her name to the proposed order I herein offer – or to one of their own construction, if they would prefer. Surely the Whites care not – except that it get done and faxed to BREMER COUNTY COURT at Clerk of Court's fax number is: 319-352-1054 and Sheriff Dewey Hildebrandt's fax number is: 319-352-2708 as soon as possible to halt this travesty of justice IMMEDIATELY.

Contrary to the verbiage of the Order of October 6th, which *apparently was prepared beforehand* and *not modified to conform to the facts* as they occurred in the Court, *none of the DEFENDANTS,* Repatriated Plaintiffs Donald E. and Austa M. White or their younger son and daughter-in-law, James C. and Jenni L. White, *appeared before the court, as stated.* This move was intentional on the part of the Whites, given the fact that the inferior court has utterly and miserably failed to answer the Challenge of Jurisdiction, formally filed in the record of the BREMER COUNTY proceeding on May 21, 2004.

The Challenge of Jurisdiction was the topic itself of a hearing in BREMER COUNTY, held on July 26, 2004, when Repatriated Plaintiffs were called into the Court on a sua sponte order to "defend a Repatriated Plaintiff's Memorandum of Law", and associated with the challenge. I, myself, was ejected from, and further silenced at, the

proceeding by Judge Mackey, under threat, duress and coercion of immediate incarceration, should I continue to represent the Whites, pursuant to our private Attorney-in-fact contract of services – which Mrs. White entered in the evidentiary record. Judge Mackey's ejection of me severely impaired the execution of our agreement, appearance and presentation, such that Mrs. White had to carry on without me, with a few minor errors – and, as she did again on 09-29-04 at the teleconference, the result of Vickers' exclusion. Fortunately, my remarks for the Challenge were scripted, a copy of which was entered into the record, in anticipation of, and for safe-keeping, prior to my appearance.

You will note that *we are completely aware of precisely what occurred* in Judge Mackey's courtroom – *because we sent instead* the older White son, John W., who is not a party to the BREMER COUNTY action, to observe the proceedings. John called me with a verbal report at 17:49:59, the evening of October 6. We are in the process of generating his personal notarized affidavit, as well as those of the *absent* White DEFENDANTS, and enclose these notarized affidavits herein to the court.

Inasmuch as John was the *only* person present in the Court, other than the bank's attorney and the judge, according to his report to me, he was vigorously questioned by Attorney Vickers as to the purpose of his interest in the proceeding. Without identifying himself, he successfully evaded the question, denying that he was his younger brother, one of the named Defendants, but then was asked, "Where are Don and Austa?" to which John replied he did not know.

Because of John's presence, Attorney Vickers asked, and was denied, the opportunity to conduct this hearing in secret in chambers. (John's mother was back in Bella Vista, Arkansas state and his father, (probably), was in the field harvesting corn, as she relayed to me by email that "beans are done" on 10-06-04.) *John noted the time when he left the court house parking lot on conclusion at 10:21AM; the order is time and date-stamped as filed at 10:28AM.*

Please, therefore, find enclosed a proposed order for a Stay of Execution on the BREMER COUNTY, IOWA foreclosure against the Whites and four notarized personal affidavits in refutation of their presence at this BREMER COUNTY hearing, as documented in the JUDGE JOHN MACKEY'S Order of October 06, 2004. I enclose also the affidavit of John W. White, who was present.

Thanking you in advance for your consideration,
With a reservation of all rights, as provided at UCC §1-207,
We remain,

/s/ Anita J. Vedder
Anita J. Vedder,
Repatriated Attorney-in-fact
On behalf of all named Defendants

/s/ Donald E. White
Donald E. White
In propria persona
Repatriated Sovereign Plaintiff
Pursuant to 8 USC §1481(a)(6)

/s/ Austa M. White
Austa M. White
In propria persona
Repatriated Sovereign Plaintiff
Pursuant to 8 USC § 1481(a)(6)

ENC: Order of October 6, Decree of Foreclosure,
Bremer County
Proposed Order for Stay of Execution
Personal Affidavits of Donald E. White,
Austa M. White, James C. White,
Jenni L. White and John W. White

CC: Vickers Law Office
PO Box 499
Greene, IA 50636

04-3267
In The United States Court Of Appeals for the 8th Circuit
at St Louis, Missouri
As an Article III Proceeding

IN LAW:

Donald E. and Austa M. White, *in propria personna,* Sui Juri Repatriated Plaintiff-Appellants, pursuant to 8 USC 1481(a)(6)	
Plaintiff-Appellants	Appellate Case #: 04-3267
v.	From:
Steven A. Tscherter, Defendant, in his individual capacity	US District Court 8th Circuit, Northern Iowa Division, at Cedar Rapids, Iowa
Dana Uhlenhopp, Defendant, in his individual capacity	Case #1:04-cv-00093-LRR
	And BREMER COUNTY, IOWA

Cordell Q. Peterson, Defendant, in his individual capacity James Schneider, Defendant, in his individual capacity Carol Petersen, Defendant, in her individual capacity 10 additional unnamed J. Doe(s), Defendants, in their individual capacity *IN REM*: LINCOLN SAVINGS BANK, and LINCOLN BANCORP, its parent Defendant-Appellees	Circuit #EQCV002218 Repatriated Plaintiff's Demand For Stay of Execution Filed October 04, 2004, herein a (Proposed) Order For Stay of Execution

(PROPOSED) ORDER OF STAY OF EXECUTION

This matter having previously come on before the Court with the filing on October 04, 2004 of Repatriated Plaintiffs' Demand for an Order to Stay Execution of a Bremer County, Iowa Circuit Court's Decree of Foreclosure, dated October 6, 2004, and the matter having been thoroughly considered, to wit, that:

a.) irreparable and extensive harm will be inflicted on Repatriated Plaintiffs and their sons if this sale is allowed to proceed;

b.) no harm comes to Defendants by putting off the execution of the inferior Court's decree of foreclosure;

c.) Repatriated Plaintiffs have herein, by affidavit testimony, shown the Bremer County order to be fraudulent, in that they did NOT appear at the foreclosure hearing;

d.) the Bremer County Court has, according to Repatriated Plaintiffs, yet failed to answer their Challenge of Jurisdiction filed on May 21, 2004, which is the reason they DID not appear at the lower court's proceeding, if proved by the record to be true, would itself void the inferior Court's Order of October 6, granting the Decree of Foreclosure;

e.) Repatriated Plaintiffs are entitled to a hearing on the merits of their Complaint against Lincoln Savings Bank, one of their Defendants, that the promissory notes upon which the bank moves are fraudulent;

f.) if the promissory notes are shown to be fraudulent, so too then would be the collateral mortgage instruments upon which the bank moves in foreclosure, the Deeds of Trust,

for all these reasons, *a STAY OF EXECUTION OF THE FORECLOSURE ORDER of October 6, 2004 is hereby granted and BREMER COUNTY CIRCUIT COURT is estopped from proceeding,* the Court to be notified by fax at the *Clerk of Bremer County, Iowa Circuit Court's fax number: 319-352-1054 and Sheriff Dewey Hildebrandt at: 319-352-2708, or by e-mail to* Nancy Greenlee@jb.state.ia.us *and Sheriff Dewey Hildebrandt,* dhildebrandt@co.bremer.ia.us

It is so ordered this ___ day of October, 2004.

_____

Judge,

United States Court Of Appeals
For the Eighth Circuit
St Louis, Missouri

AFFIDAVIT OF SERVICE

This is to affirm that a copy of the foregoing Cover Letter, a copy of the Bremer County Order and Decree of Foreclosure, dated October 6th, 2004, five White family affidavits and a (Proposed) Order for Stay of Execution have been overnight FedEx-express mailed to file in the US Court of Appeals for the Eighth Circuit and have been mailed, postage-prepaid, first class, to:

Vickers Law Firm
PO Box 499
Greene, IA 50636

Dated this 13th day of October, 2004, by:

/s/ Austa M. White
Austa M. White, Repatriated Plaintiff
In propria personna

Without Prejudice, UCC §1-207
In Care of 75 Davis Circle
Bella Vista, Republic state of Arkansas
Postal Zone [71714-5611]
(479) 855-8767

UNITED STATES COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

No. 04-3267

Austa M. White; Donald E. White, Appellants, vs. Steven A. Tscherter; Dana Uhlenhopp; Cordell O. Peterson; James Schneider; Carol Petersen; J. Does, 1-10; Lincoln Savings Bank, in rem; Lincoln Bancorp, Appellees.	) Appeal from the United States District Court for the Northern District of Iowa

JUDGMENT

(unsealed, unfiled)

Appellants' motion for stay is denied.

The motion of appellees for dismissal of this appeal is granted. The appeal is hereby dismissed. See Eighth Circuit rule 47A(b). (5361-010199)

October 22, 2004

Order entered at the Direction of the Court

/s/ Michael E. Gans
Clerk, U.S. Court of Appeals, Eighth Circuit

UNITED STATES COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

No. 04-3267

Austa M. White et al., Appellants,	) Appeal from the United States District Court for the Northern District of Iowa
vs.	)
Steven A. Tscherter, et al., Appellees.	)

The petition for rehearing by the panel filed by the appellants is denied.

(5193-010199)

November 24, 2004

Order entered at the Direction of the Court:

(unsealed, unfiled)

/s/ Michael E. Gans
Clerk, U.S. Court of Appeals, Eighth Circuit

UNITED STATES COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

No. 04-3267

Austa M. White; Donald E. White, Appellants, vs. Steven A. Tscherter; Dana Uhlenhopp; Cordell O. Peterson; James Schneider; Carol Petersen; J. Does, 1-10; Lincoln Savings Bank, in rem; Lincoln Bancorp, Appellees.	) Appeal from the United States District Court for the Northern District of Iowa

JUDGMENT

(Filed Dec. 2, 2004)

Appellants' motion for stay is denied.

The motion of appellees for dismissal of this appeal is granted. The appeal is hereby dismissed. See Eighth Circuit Rule 47A(b). (5361-010199)

October 22, 2004

Order entered at the Direction of the Court

/s/ Michael E. Gans
Clerk, U.S. Court of Appeals, Eighth Circuit

[SEAL]

UNITED STATES
DISTRICT COURT FOR THE
NORTHERN DISTRICT OF IOWA

U.S. District Court
Northern District of Iowa (Cedar Rapids)
CIVIL DOCKET FOR CASE #: 1:04-cv-0[illegible]3-LRR

White et al v. Tscherter et al
Assigned to:
Judge Linda R Reade
Referred to:
Chief Magistrate
John A Jarvey
Cause: 28:1331 Fed. Question

Date Filed:
07/27/2004
Jury Demand: None
Nature of Suit:
140 Negotiable Instrument
Jurisdiction:
Federal Question

Plaintiff

Austa M White
represented by **Austa M White**
75 Davis Circle
Belle Vista, AR 72714
479 855 8767
PRO SE

Plaintiff

Donald E White
represented by **Donald E White**
75 Davis Circle
Belle Vista, AR 72714
479 855 8767
PRO SE

V.

Defendant

Steven A Tscherter
represented by **Patrick G Vickers**
Vickers Law Office
118 First Street, South
PO Box 499
**ECF

Greene, IA 50636
641 823 4192
Fax: 823 5633
Email: pgv@omnitelcom.com
LEAD ATTORNEY ATTORNEY TO BE NOTICED

Defendant

Dana Uhlenhopp
represented by **Patrick G Vickers**
(See above for address)
LEAD ATTORNEY ATTORNEY TO BE NOTICED

* * *

Date Filed	#	Docket Text
07/27/2004	*1*	COMPLAINT against J. Doe(s) 1-10, Lincoln Bancorp, Lincoln Savings Bank, Carol Petersen, Cordell Q. Peterson, James Schneider, Steven A Tscherter, Dana Uhlenhopp (Filing fee $150 receipt number 123127.), filed by Austa M White, Donald E White. Scheduling Report due by 11/24/2004. (Attachments: #*1* Complaint Part 2# *2* Complaint Part 3 #*3* Brief in Support of Complaint) Exhibits housed separately.(ksy,) Modified text on 7/29/2004 (ksy,). (Entered: 07/29/2004)
07/27/2004		Summons Issued as to J. Doe(s) 1-10, Lincoln Bancorp, Lincoln Savings Bank, Carol Petersen, Cordell Q. Peterson, James Schneider, Steven A Tscherter, Dana Uhlenhopp. (ksy,) (Entered: 07/29/2004)
08/16/2004	*2*	SUMMONS Returned Executed by Austa M White, Donald E White.

		Lincoln Bancorp served on 8/12/2004, answer due 9/1/2004; Lincoln Savings Bank served on 8/12/2004, answer due 9/1/2004; Carol Petersen served on 8/12/2004, answer due 9/1/2004; Cordell Q. Peterson served on 8/12/2004, answer due 9/1/2004; James Schneider served on 8/12/2004, answer due 9/1/2004; Steven A Tscherter served on 8/12/2004, answer due 9/1/2004; Dana Uhlenhopp served on 8/12/2004, answer due 9/1/2004. (All served by certified mail) (gcla,) Modified on 8/16/2004: Copy mailed to pro se plaintiffs (gcla). (Entered: 08/16/2004)
08/16/2004	*3*	NOTICE of Appearance by Patrick G Vickers on behalf of Lincoln Bancorp, Lincoln Savings Bank, Carol Petersen, Cordell Q. Peterson, James Schneider, Steven A Tscherter, Dana Uhlenhopp (gcla) (Entered: 08/16/2004)
08/16/2004	*4*	PURSUANT TO LOCAL RULE 3.2 STATEMENT of Interest by Lincoln Bancorp, Lincoln Savings Bank. (gcla) (Entered: 08/16/2004)
08/16/2004	*5*	MOTION to Dismiss by Defendants Lincoln Bancorp, Lincoln Savings Bank, Carol Petersen, Cordell Q. Peterson, James Schneider, Steven A Tscherter, Dana Uhlenhopp. Responses due by 9/2/2004 (Attachments: #*1* Brief in Support) (gcla) (Entered: 08/16/2004)
09/01/2004	*6*	MOTION for Leave to Appear by Anita J. Vedder on behalf of Plaintiffs Austa M White, Donald E White. (Attachments: #*1* Exhibit A) (mj) Modified on

		9/1/2004; copy of NEF to pro se pltfs (mj). (Entered: 09/01/2004)
09/01/2004	*7*	REPLY to Defendants' Answer-In the Form of a Motion to Dismiss re *5* filed by Plaintiffs Austa M White, Donald E White. (Attachments: #(1) Exhibit A; #(2) Memorandum in Support of Response and Motion for Summary Judgment (Part 1; pages 1-50); #(3) Memorandum in Support (Part 2; pages 51-86); #(4) Exhibit (Part 1; Pages 1-20); #(5) Exhibit (Part 2; 14 pages); #(6) Exhibit (Part 3; 15 pages); #(7) Exhibit (Part 4; 16 pages)). (Page 85 of Memorandum indicates that a Motion for Summary Judgment is forthcoming and will be presented under separate cover.) (mj) Modified on 9/1/2004 copy of NEF to pro se pltfs (mj). (Entered: 09/01/2004)
09/03/2004	*8*	MOTION for Summary Judgment by Plaintiffs Austa M White and Donald E White.Responses due by 9/27/2004. (Copy mailed to pro se plaintiffs.) (mem) (Entered: 09/03/2004)
09/03/2004	*9*	ORDER denying *6* Motion for Leave to Appear. The Clerk shall not accept filings from Anita Vedder submitted on behalf of the pro se plaintiffs. Signed by Judge John A Jarvey on 9/3/04. (mem) Text modified on 9/3/2004 to reflect copy mailed to pro se plaintiffs (mem). (Entered: 09/03/2004)
09/13/2004	*10*	NOTICE OF INTERLOCUTORY APPEAL as to *9* Order on Motion for Leave to Appear, by Austa M White,

		Donald E White. Filing fee $255 made payable to the 8th Circuit was forwarded for endorsement on 9/13/04. (Attachments: *#1* Exhibit A *#2* Exhibit B *#3* Letter) (ksy,) (Entered: 09/13/2004)
09/16/2004	*11*	NOA Supplement and Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re *10* Notice of Interlocutory Appeal. (ksy,) (Entered: 09/16/2004)
09/16/2004		COURT OF APPEALS RECEIPT of Notice of Appeal and supporting documents received by USCA on: Thu Sep 16 15:25:03 CDT 2004 (ksy,) (Entered: 09/16/2004)
09/20/2004	*12*	Fee Receipt: $255.00, receipt number 123554 for Appeal fee by Austa M White, Donald E White (Copy sent to 8th Circuit, pro se plaintiffs and Anita Vedder) (gcla) Modified on 9/20/2004 to show service (gcla,). (Entered: 09/20/2004)
09/22/2004		USCA Case Number 04-3267 for *10* Notice of Interlocutory Appeal, filed by Donald E White, Austa M White. (ksy,) (Entered: 09/23/2004)
09/23/2004		Clerk's Certified and Transmitted Record on Appeal to US Court of Appeals re *10* Notice of Interlocutory Appeal including original file (2 volumes). (ksy,) (Entered: 09/23/2004)
09/27/2004	*13*	MOTION to Strike by Defendants Lincoln Bancorp, Lincoln Savings Bank, Carol Petersen, Cordell Q. Peterson, James Schneider, Steven A

		Tscherter, Dana Uhlenhopp. Responses due by 10/14/2004 (gcla) (Entered: 09/27/2004)
09/27/2004	*14*	RESISTANCE to Motion re *8* MOTION for Summary Judgment filed by Defendants Lincoln Bancorp, Lincoln Savings Bank, Carol Petersen, Cordell Q. Peterson, James Schneider, Steven A Tscherter, Dana Uhlenhopp. (Attachments: #*1* Brief in Support of Resistance to Motion for Summary Judgment# *2* Statement of Disputed and Additional Facts# *3* Appendix# *4* Affidavit of Dana Uhlenhopp# *5* Affidavit of Cordell Q. Peterson# *6* Affidavit of Steven A. Tscherter# *7* Affidavit of Carol Petersen #*8* Affidavit of James Schneider) (gcla,) (Entered: 09/27/2004)
10/25/2004	*15*	ORDER striking *8* Motion for Summary Judgment, granting *13*Motion to Strike. If pltfs wish to properly file a pro se resistance to Defts' Motion to Dismiss (docket #5), they must do so on or before close of business on 11/8/04. If no timely resistance is filed, the court may grant defts' motion to dismiss without prior notice. Clerk of court shall mail copy of this Order to Pltfs. Signed by Judge Linda R Reade on 10/25/04. (copy mailed to Pro Se Plaintiffs at 75 Davis Circle, Belle Vista, AR 72714) (deve) (Entered: 10/25/2004)
10/25/2004		Set Deadlines as to *5* MOTION to Dismiss. Responses due by 11/8/2004 (deve) (Entered: 10/25/2004)

11/03/2004	*16*	MOTION for Recusal by Plaintiffs Austa M White, Donald E White. (deve) (Entered: 11/03/2004)
11/09/2004		Set Deadlines as to *16* MOTION for Recusal. Responses due by 11/8/2004 (deve) (Entered: 11/09/2004)
11/09/2004		Set Deadlines as to *5* MOTION to Dismiss. Responses due by 11/8/2004 (deve) (Entered: 11/09/2004)
11/09/2004		Deadline docketed 11/9/04 regarding Response deadline for Motion for Recusal docketed in error. Please disregard. (deve) (Entered: 11/09/2004)
11/15/2004	*17*	RESISTANCE to Motion re *16* MOTION for Recusal filed by Plaintiffs Austa M White, Donald E White. (Attachments: *#1* Brief in Support) (ksy,) (Entered: 11/15/2004)
11/15/2004	*18*	Bill for Sanctions for Failure to File Electronically: Attorney Patrick Vickers fined in the amount of $25.00. Fee due by 12/2/2004. (ksy,) (Entered: 11/15/2004)
11/15/2004	*19*	Fee Receipt: $25.00, receipt number 123967 for Sanctions by Austa M White, Donald E White (ksy,) (Entered: 11/15/2004)
11/22/2004	*20*	SUPPLEMENT/ADDENDUM *16* MOTION for Recusal by Austa M White, Donald E White. (copy returned to pltf) (deve) (Entered: 11/22/2004)
11/26/2004	*21*	Notice of Dismissal – This action is dismissed pursuant to LR41.1, a copy of which is attached, unless action is

taken by 12/27/2004. Signed by Clerk on 11/26/04. (Attachments: # *1* L.R. 41.1# *2* Proposed Scheduling Order) (deve) (Entered: 11/26/2004)

11/29/2004 *22* ORDER of USCA as to *10* Notice of Interlocutory Appeal, filed by Donald E White, Austa M White: The petition for rehearing by the panel filed by the appellants is denied. (This order is not sealed) (ksy,) (Entered: 11/29/2004)

12/13/2004 *23* MANDATE of USCA as to *10* Notice of Interlocutory Appeal, filed by Donald E White, Austa M White: The motion of appellees for dismissal of this appeal is granted. The appeal is hereby dismissed. (ksy,) (Entered: 12/13/2004)

12/20/2004 *24* MOTION to Show Statement of Just Cause by Plaintiffs Austa M White, Donald E White. File-stamped copies returned to Plaintiffs. (ksy,) (Entered: 12/22/2004)

12/27/2004 *25* RESISTANCE TO MOTION re *24* Plaintiffs' Repatriated Statement of Just Cause filed by Defendants (Attachments: #*1* Brief in Support) (mj) Modified on 12/27/2004 mailed NEF to non-ECF parties (mj). (Entered: 12/27/2004)

12/27/2004 *26* Fee Receipt: $25.00, receipt number 124257 for sanction fee by defendants attorney re *25*. (Attachments: #*1* Invoice-paid) (NEF to non-ECF parties) (mj) (Entered: 12/27/2004)

12/29/2004 *27* ORDER denying *16* Motion for Recusal and denying *20* Supplemental/Addendum to 16 Motion for Recusal. Signed by

		Judge Linda R Reade on 12/29/04. (ksy,) (Entered: 12/29/2004)
01/21/2005	*28*	ORDER granting *5* Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim Upon Which Relief can be Granted. Plaintiffs Complaint is dismissed without prejudice. Signed by Judge Linda R Reade on 1/21/05. (ksy,) (Entered: 01/21/2005)
01/21/2005	*29*	CLERK'S JUDGMENT in favor of Defendants against Plaintiffs Judgment Book #34 Document #102. Signed by Clerk on 1/21/05. (ksy,) (Entered: 01/21/2005)

IN THE UNITED STATES 8TH DISTRICT COURT
NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

***IN LAW*:**

Donald E. White and Austa M. White, *in propria persona*, Sui Juri, Repatriated Plaintiffs,	
v.	**Civil Action No. 04-93LRR**
Steven A. Tscherter, Defendant, in his individual capacity	**Judge:** Linda R. Reade
Dana Uhlenhopp, Defendant, in his individual capacity	
Cordell Q. Peterson, Defendant, in his individual capacity	
James Schneider, Defendant, in his individual capacity	
Carol Petersen, Defendant, in her individual capacity	
10 additional unnamed J. Doe(s), Defendants, in their individual capacity	
IN REM: LINCOLN SAVINGS BANK, and LINCOLN BANCORP its parent	

PLAINTIFFS' VERIFIED ULTRA VIRES COMPLAINT AND MOTION FOR DECLARATORY JUDGMENT

(Filed July 27, 2004)

* * *

IN THE UNITED STATES 8TH DISTRICT COURT
NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

***IN LAW*:**

Donald E. White and Austa M. White, *in propria persona*, Sui Juri,

Repatriated Plaintiffs,

v.

Steven A. Tscherter, Defendant, in his individual capacity

Dana Uhlenhopp, Defendant, in his individual capacity

Cordell Q. Peterson, Defendant, in his individual capacity

James Schneider, Defendant, in his individual capacity

Carol Petersen, Defendant, in her individual capacity

10 additional unnamed J. Doe(s), Defendants, in their individual capacity

IN REM: LINCOLN SAVINGS BANK, and LINCOLN BANCORP its parent

Civil Action # 1:04-cv-00093-LRR

District Judge: Judge Linda R. Reade

ORDER

This motion is denied

Anita Vedder is not admitted to practice law in this court and does not appear to be an attorney admitted to practice in any court. The Clerk shall not accept filings from her submitted on behalf of the pro se plaintiffs.

/s/ John A. Jarvey
MAGISTRATE JUDGE
U.S. DISTRICT COURT

NOTICE OF ENTRY OF APPEARANCE

(Filed Sept. 1, 2004)

Comes now, Anita J. Vedder, *in propria persona*, a Repatriated common law Attorney-In-Fact, and hereby enters her appearance as Attorney of Record for, and on behalf of, Donald E. White and Austa M. White, *in propria persona*, Repatriated Plaintiffs, hereinafter known as "Repatriated Plaintiffs" in this matter, and further, states that:

a.) Attorney-in-fact has been repatriated from the bankrupt democracy of the corporate UNITED STATES since June 17, 2002, pursuant to the Expatriation Act of July 27, 1868, which was recorded in the RUTHERFORD COUNTY REGISTER OF DEEDS office on April 01, 2004 in Record Book Number 372 on pages 454-495;

b.) that her repatriation was perfected, pursuant to 8 USC §1481(a) (6), by personally presenting same to the designated officer of the Attorney General, John D. Ashcroft, on March 15, 2004, which has been recorded in the OFFICE OF THE SECRETARY OF STATE, STATE OF TENNESSEE on February 09, 2004 and in the office of the (STATE OF TENNESSEE) RUTHERFORD COUNTY REGISTER OF DEEDS on April 01, 2004 in Record Book Number 372 on pages 498-505;

c.) and hereby requests that all notices of any proceedings and/or filings in this matter be directed to her, as Attorney-In-Fact for said Plaintiffs at:

Anita J. Vedder, *in propria persona*,
Without Prejudice, UCC §1-207
In Care Of 1000 Kilgrow Court
Smyrna, Republic state of Tennessee
Postal Zone [37167-5967]
(615) 337-7008

d.) Consent to the EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE is hereby denied, as Repatriated Plaintiffs proceed from their Article III repatriated non juristic status before the court.

Respectfully requested,
With a reservation of all rights,
as provided at UCC § 1-207,

On behalf of all named Repatriated Plaintiffs,

_____

Anita J. Vedder, Repatriated Attorney-in-fact
in propria persona
Without Prejudice, UCC §1-207
In Care Of 1000 Kilgrow Court
Smyrna, Republic state of Tennessee
Postal Zone [37167-5967]
(615) 337-7008

AFFIDAVIT OF SERVICE

Dated this 26th day of August, 2004, NOTICE OF ENTRY OF APPEARANCE, was mailed to be filed in 8th CIRCUIT UNITED STATES DISTRICT COURT, FOR THE NORTHERN DISTRICT OF IOWA, CEDAR RAPIDS DIVISION, accompanied by a copy of the Attorney-in-fact agreement between the Repatriated Plaintiffs and Anita J. Vedder and a personally redacted Declaration of True Citizenship and Non-Juristic Status (Repatriation), Truth

In Commerce for Contract Tort Waiver and Power of Attorney as filed in the Office of the Secretary of State, UCC Division, STATE OF TENNESSEE and the (STATE OF TENNESSEE) RUTHERFORD COUNTY REGISTER OF DEEDS office, pursuant to Local Rule 10.1, served with the this affidavit of service upon the attorney for all named Defendants, on August 26th, 2004, first class USPS postage pre-paid to:

Patrick G. Vickers
Vickers Law Office
PO Box 499
Greene, Iowa 50636-0499

With all rights reserved, as provided at UCC §1-207, I remain,

_____

Anita J. Vedder, *in propria persona*
Without Prejudice, UCC §1-207
In Care Of 1000 Kilgrow Court
Smyrna, Republic state of Tennessee
Postal Zone [37167-5967]
(615) 337-7008

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

DONALD E. WHITE and AUSTA M. WHITE, Plaintiffs, vs. STEVEN A. TSCHERTER, DANA UHLENHOPP, CORDELL Q. PETERSON, JAMES SCHNEIDER, CAROL PETERSON, LINCOLN SAVINGS BANK, and LINCOLN BANCORP, Defendants.	No. C 04-93 LRR **ORDER**

The matter before the court is Defendants' Motion to Strike (docket no. 13). In the motion, Defendants ask the court to strike Plaintiffs' Motion for Summary Judgment filed by a non-lawyer on behalf of Plaintiffs.

On September 1, 2004, Anita Vedder filed a motion for leave to appear on behalf of Plaintiffs. Also on September 1, 2004, Ms. Vedder filed Plaintiffs' resistance to Defendants' motion to dismiss. On September 3, 2004, Ms. Vedder submitted a motion for summary judgment on Plaintiffs' behalf. Also on September 3, 2004, Chief Magistrate Judge Jarvey denied Ms. Vedder's motion for leave to appear on behalf of Plaintiffs because it appears Ms. Vedder is not an attorney licensed to practice in any court. Magistrate Judge Jarvey ordered that the Clerk of Court

"shall not accept filings from [Ms. Vedder] on behalf of the pro se plaintiffs." On September 13, 2004, Plaintiffs filed an interlocutory appeal with the Eighth Circuit Court of Appeals, asking the court to reverse Magistrate Judge Jarvey's ruling. On October 22, 2004, the Eighth Circuit Court of Appeals granted Defendants' motion to dismiss the appeal on the ground the appeal is not within the court's jurisdiction.

The court now finds it appropriate to strike all pleadings filed by a non-lawyer on behalf of Plaintiffs. For the foregoing reasons, **IT IS ORDERED**:

(1) Defendants' Motion to Strike (docket no. 13) is GRANTED.

(2) Plaintiffs' Motion for Summary Judgment (docket no. 8) is STRICKEN.

(3) Plaintiffs' Reply to Defendants' Answer – In the Form of a Motion to Dismiss, Pursuant to *Federal Rules of Civil Procedure*, Rule 12(b)(1) and (6) (docket no. 7) is STRICKEN.

(4) If Plaintiffs wish to properly file a pro se resistance to Defendants' Motion to Dismiss (docket no. 5), they must do so on or before the close of business November 8, 2004. If no timely resistance is filed, the court may grant Defendants' Motion to Dismiss without prior notice. LR 7.1(f).

(5) The Clerk of Court shall mail a copy of this Order to Plaintiffs.

SO ORDERED.

DATED this 25th day of October, 2004.

/s/ Linda R. Reade
LINDA R. READE
JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF
IOWA

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF IOWA CEDAR RAPIDS DIVISION

DONALD E. WHITE and AUSTA M. WHITE, Plaintiffs, vs. STEVEN A. TSCHERTER, DANA UHLENHOPP, CORDELL O. PETERSON, JAMES SCHNEIDER, CAROL PETERSON, LINCOLN SAVINGS BANK, and LINCOLN BANCORP, Defendants.	No. C 04-93 LRR **ORDER**

I. INTRODUCTION

The matters before the court are Plaintiffs' Demand to Recuse (docket no. 16) and Plaintiffs' Modified Demand to Recuse (docket no. 20). In the motions, Plaintiffs ask the undersigned judge to recuse herself because the court granted Defendants' Motion to Strike various pleadings filed by a non-lawyer on Plaintiffs' behalf. At the time the court granted such motion, Plaintiffs contend an appeal was pending in the Eighth Circuit Court of Appeals, leaving this court without authority to grant the motion and strike the pleadings and thus demonstrating the undersigned judge's bias and prejudice against Plaintiffs.

II. PROCEDURAL BACKGROUND

On September 1, 2004, Anita Vedder filed a motion for leave to appear on behalf of Plaintiffs. Also on September 1, 2004, Ms. Vedder filed Plaintiffs' resistance to Defendants' motion to dismiss. On September 3, 2004, Ms. Vedder submitted a motion for summary judgment on Plaintiffs' behalf. Also on September 3, 2004, Chief Magistrate Judge Jarvey denied Ms. Vedder's motion for leave to appear on behalf of Plaintiffs because it appeared Ms. Vedder was not an attorney licensed to practice in any court. Magistrate Judge Jarvey ordered that the Clerk of Court "shall not accept filings from [Ms. Vedder] on behalf of the pro se plaintiffs." On September 13, 2004, Plaintiffs filed an interlocutory appeal with the Eighth Circuit Court of Appeals, asking the court to reverse Magistrate Judge Jarvey's ruling. On October 22, 2004, the Eighth Circuit Court of Appeals granted Defendants' motion to dismiss the appeal on the ground the appeal was not within its jurisdiction. On October 25, 2004, this court granted Defendants' Motion to Strike and subsequently struck Plaintiffs' Motion for Summary Judgment and Plaintiffs' Reply to Defendants' Answer – in the Form of a Motion to Dismiss, Pursuant to *Federal Rules of Civil Procedure*, Rule 12(b)(1) and (6). The court further ordered that, if they wished to properly file a pro se resistance to Defendants' Motion to Dismiss, Plaintiffs had to do so on or before the close of business November 8, 2004. The court warned Plaintiffs that if no timely resistance was filed, the court could grant Defendants' Motion to Dismiss without prior notice pursuant to LR 7.1(f).

On November 3, 2004, Plaintiffs filed a Demand to Recuse in which Plaintiffs alleged the court's Order dated October 25, 2004 was "clearly partial to Defendants and

issued outside the [sic] her known bounds of statutory appellate procedure." Plaintiffs demanded the court "bring forth her statutory authority over 5th Amendment sovereign citizens or bring forth evidence of the record to show that Repatriated Plaintiffs are ***pro se*** 14th Amendment citizens, ***subject to*** the ***in personam*** jurisdiction of this court." Plaintiffs further demanded, "[i]f she be unable to provide such evidence, of either statutory authority or legal pro se status, other than the court's own faulty designation, Repatriated Plaintiffs demand that she be replaced as a consequence of her demonstrated absence of impartiality and that another judge be assigned in her place."

On November 15, 2004, Defendants resisted the motion. Defendants contend that because the motion was not filed in the form of or accompanied by an affidavit as required by 28 U.S.C. § 144, the motion should be examined in light of 28 U.S. § 455. Defendants further aver Plaintiffs have not alleged that any of the grounds for disqualification under 28 U.S.C. § 455(b) apply in this case. Therefore, Defendants contend the only remaining possible basis for disqualification would be 28 U.S.C. § 455(a), which provides, "[a] judge . . . of the United States shall disqualify [herself in any proceeding in which [her] impartiality might reasonably be questioned." 28 U.S.C. § 455(a). Defendants maintain it appears from Plaintiffs' motion that they believe the undersigned judge should be disqualified unless she can show Plaintiffs, who initiated this action, are subject to the jurisdiction of this court. Defendants contend there is no reasonable basis for questioning the impartiality of the undersigned judge and Plaintiff's Demand to Recuse should be denied.

On November 22, 2004, Plaintiffs filed a Modified Demand to Recuse. In addition to restating their previous

demands, Plaintiffs asked that another judge be assigned pursuant to 28 U.S.C. § 144. Plaintiffs stated the court's Order regarding the motion to strike "significantly, and intentionally, compromises Repatriated Plaintiffs' 5th Amendment due process rights – not only in the timing but in its SPECIFIC directive that Repatriated Plaintiffs return as 14th Amendment 'pro se' parties."

On November 24, 2004, the Eighth Circuit Court of Appeals denied Plaintiffs' petition for rehearing on Plaintiffs' appeal of Magistrate Judge Jarvey's Order denying Ms. Vedder's motion for leave to appear on behalf of Plaintiffs.

III. LEGAL ANALYSTS

A. 28 U.S.C. § 144

Plaintiffs rely upon 28 U.S.C. § 144 in support of their demand the undersigned judge recuse herself. The relevant statute reads as follows:

> Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.
>
> The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by

> a certificate of counsel of record stating that it is made in good faith.

28 U.S.C. § 144. The moving party bears the burden of demonstrating personal bias or prejudice on the part of the judge. *United States v. Jones*, 801 F.2d 304, 312 (8th Cir. 1986) (citing *McChristion v. Hood*, 551 F. Supp. 1001, 1003 (N.D. Ind. 1982)). "In order for the allegations of bias or prejudice 'to be disqualifying [they] must stem from an extrajudicial source and result in an opinion on the merits on some basis other than what the judge learned from [her] participation in the case.'" *United* States *v. Thirion*, 813 F.2d 146, 155 (8th Cir. 1987) (quoting *United States v. Grinnell Corp.*, 384 U.S. 563, 583 (1966) (Harlan, J., dissenting); *United States v. Faul*, 748 F.2d 1204, 1211 (8th Cir. 1984)).

The judge of whom a party seeks recusal may initially determine the legal sufficiency of the affidavit filed pursuant to 28 U.S.C. § 144. *Easley v. University of Michigan Bd. of Regents*, 853 F.2d 1351, 1355 (6th Cir. 1988); *see also Toth v. Trans World Airlines, Inc.*, 862 F.2d 1381, 1388 (9th Cir. 1988) (holding that only after determining the legal sufficiency of an affidavit filed pursuant to 28 U.S.C. § 144 is a judge obligated to reassign decision on the merits to another judge). "An affidavit must strictly comply with all of the statutory requirements before it will effectively disqualify a judge." *United Mates v. Anderson*, 433 F.2d 856, 859 (8th Cir. 1970) (*citing Brotherhood of Locomotive Firemen & Enginemen v. Bangor & Aroostook R.R. Co.*, 380 F.2d 570 (D.C. Cir. 1967); *Scott v. Beams*, 122 F.2d 777 (10th Cir. 1941); *United States v. Hanrahan*, 248 F. Supp. 471 (D.D.C. 1965)). "In reviewing such affidavits the court must not pass on the factual merit of any allegation but must restrict its analysis to the legal sufficiency of

the affidavit." *Souder v. Owens-Corning Fiberglas Corp.*, 939 F.2d 647, 653 (8th Cir. 1991).

The Supreme Court has construed a predecessor to 28 U.S.C. § 144 to mean that, although the challenged judge must assume the truth of the facts alleged in the affidavit, she may decide whether the affidavit meets the procedural requirements of the statute and whether the facts alleged give fair support to the charge of bias and prejudice. *Berger v. United States*, 255 U.S. 22, 33-34 (1921). "'When an affidavit does not meet the requirements imposed by law, the judge has an obligation not to disqualify [her]self.'" *Wounded Knee Legal Defense/Offense Comm. v. FBI*, 507 F.2d 1281, 1286 (8th Cir. 1974) (quoting *United States v. Anderson*, 433 F.2d 856, 860 (8th Cir. 1970)).

Plaintiffs' Demand to Recuse (docket no. 16) is not legally sufficient to merit disqualification because it does not contain an affidavit and lacks a statement or certificate that the statements are made in good faith. *See* 28 U.S.C. § 144; *Anderson*, 433 F.2d at 859. Therefore, the court denies such motion as it relates to 28 U.S.C. § 144.

Plaintiffs' Modified Demand to Recuse (docket no. 20) is in the form of an affidavit.[1] Such filing states the facts and reasons for Plaintiffs' belief the undersigned judge has a bias or prejudice against them, pursuant to 28 U.S.C.

[1] The court is cognizant of the fact Plaintiffs appear pro se in this matter and their pleadings must therefore be liberally construed and held to a less stringent standard than a formal pleading drafted by a lawyer. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972). However, such affidavit is only signed under penalty of perjury by Austa White; Donald White failed to sign it. Because the affidavit does not strictly comply with the statutory requirements with regard to Donald White, the court denies such motion as it relates to Donald White.

§ 144. It further includes a statement the filing is made in good faith, as required by 28 U.S.C. § 144. However, the court finds the facts Plaintiffs state do not support the charge of bias or prejudice stemming from an extrajudicial source. *See Berger*, 255 U.S. at 33; *Thirion*, 813 F.2d at 155. Because the affidavit is legally insufficient, the court denies such motion as it relates to 28 U.S.C. § 144.

B. 28 U.S.C. § 455

Although Plaintiffs did not move the undersigned judge to recuse herself pursuant to 28 U.S.C. § 455, the court nonetheless addresses the question of whether recusal is required under that statute. The relevant portions of the statute read as follows:

> (a) Any justice, judge, or magistrate of the United States shall disqualify [her]self in any proceeding in which [her] impartiality might reasonably be questioned.
>
> (b) [She] shall also disqualify [her]self in the following circumstances:
>
> (1) Where [she] has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;
>
> (2) Where in private practice [she] served as lawyer in the matter in controversy, or a lawyer with whom [she] previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;
>
> (3) Where [she] has served in governmental employment and in such capacity participated as

> counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy;
>
> (4) [She] know that [she], individually or as a fiduciary, or [her] spouse or minor child residing in [her] household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;
>
> (5) [She] or [her] spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:
>
> > (I) Is a party to the proceeding, or an officer, director, or trustee of a party;
> >
> > (ii) Is acting as a lawyer in the proceeding;
> >
> > (iii) Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;
> >
> > (iv) Is to the judge's knowledge likely to be a material witness in the proceeding.

28 U.S.C. § 455(a), (b).[2] The Eighth Circuit Court of Appeals has opined, in spite of the broad language used in section 455(a),

> the statute does not extend literally to any kind of doubtful behavior. The Supreme Court has

[2] Subsections (c)-(f) of section 455 do not list grounds for recusal.

> specifically held that "expressions of impatience, dissatisfaction, annoyance, and even anger" are not sufficient to trigger the statutes before *Liteky v. United* States, 510 U.S. 540, 555-56, 114 S.Ct. 1147, 127 L.Ed.2d 474 (1994). And where a judge's opinions are based on "facts introduced or events occurring in the course of the current proceedings," those opinions warrant recusal" under § 455(a) only if they "display a deep-seated favoritism or antagonism that would make fair judgment impossible." *Id.* at 555, 114 S.Ct. 1147.

United States v. Sypolt, 346 F.3d 838, 839 (8th Cir. 2003).

Nothing about the court's Order striking pleadings filed by Ms. Vedder or the timing of such Order might cause the court's impartiality reasonably to be questioned. This court never lost jurisdiction when the interlocutory appeal was filed because there was no stay. *See* Fed. R. App. P. 8. Such Order certainly did not rise to the level of "deep-seated favoritism or antagonism that would make fair judgment impossible." *Sypolt*, 346 F.3d at 839 (quoting *Liteky*; 510 U.S. at 555). Therefore, recusal is inappropriate pursuant to section 455(a). Furthermore, Plaintiffs have not alleged any of the circumstances requiring recusal under section 455(b). Therefore, the court finds recusal under section 455(b) is inappropriate. The court denies Plaintiffs' Demand to Recuse and Plaintiffs' Modified Demand to Recuse as they relate to 28 U.S.C. § 455.

IV. CONCLUSION

For the foregoing reasons, **IT IS HEREBY ORDERED**:

(1) Plaintiffs' Demand to Recuse (docket no. 16) is **DENIED**.

(2) Plaintiffs' Modified Demand to Recuse (docket no. 20) is **DENIED**.

SO ORDERED.

DATED this 29th day of December, 2004.

/s/ Linda R. Reade
LINDA R. READE
JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA

A copy of this document has been mailed/faxed to all counsel of record, pro se parties and others listed and not shown as having been served electronically under the cm/ecf system:

12/29/04 ksy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

DONALD E. WHITE and AUSTA M. WHITE, Plaintiffs, vs. STEVEN A. TSCHERTER, DANA UHLENHOPP, CORDELL Q. PETERSON, JAMES SCHNEIDER, CAROL PETERSON, LINCOLN SAVINGS BANK, and LINCOLN BANCORP, Defendants.	No. C 04-93 LRR **ORDER**

I. INTRODUCTION

The matter before the court is Defendants' Motion to Dismiss (docket no. 5). In such motion, Defendants Steven A. Tscherter, Dana Uhlenhopp, Cordell Q. Peterson, James Schneider, Carol Peterson, Lincoln Savings Bank and Lincoln Bancorp (jointly, the "Defendants") ask the court to dismiss the lawsuit filed by Plaintiffs Donald E. White and Austa M. White (jointly, the "Plaintiffs") pursuant to Federal Rule of Civil Procedure 12(b)(1) because the Plaintiffs' Complaint fails to establish the existence of subject matter jurisdiction and pursuant to Federal Rule of Civil Procedure 12(b)(6) because the Complaint fails to state a claim upon which relief can be granted.

II. PROCEDURAL BACKGROUND

On July 27, 2004, Plaintiffs filed a Verified Ultra Vires Complaint and Motion for Declaratory Judgement (the "Complaint") against Defendants, alleging 24 causes of action . . .

* * *

III. LEGAL ANALYSIS

. . . all proceedings for the condemnation of property taken as a prize." 28 U.S.C. § 1333. After reviewing Plaintiffs' Complaint, it is clear 28 U.S.C. § 1333 does not provide to the court any basis for jurisdiction in this case.

Plaintiffs have failed to meet their burden of demonstrating the court has subject matter jurisdiction to decide this action. Therefore, Defendants' Motion to Dismiss is granted.[3] Plaintiffs' Complaint is dismissed without prejudice. *See County of Mille Lacs v. Benjamin*, 361 F.3d 460, 464 (8th Cir. 2004) ("A district court is generally barred from dismissing a case with prejudice if it concludes subject matter jurisdiction is absent.") (citing *Ahmed v. United States*, 147 F.3d 791, 797 (8th Cir. 1998) (other citations omitted)).

IV. CONCLUSION

For the foregoing reasons, **IT IS HEREBY ORDERED:**

(1) Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim upon Which Relief Can Be Granted (docket no. 5) is GRANTED.

(2) Plaintiffs' Complaint is DISMISSED without prejudice.

SO ORDERED.

---

[3] Because the court lacks subject matter jurisdiction to hear the case, the court finds it lacks jurisdiction to decide the merits of Defendants' Motion to Dismiss as it relates to Federal Rule of Civil Procedure 12(b)(6).

DATED this 21st day of January, 2005.

/s/ Linda R. Reade
LINDA R. READE
JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF
IOWA

A copy of this document has been mailed/faxed to all counsel of record, pro se parties and others listed and not shown as having been served electronically under the cm/ecf system:

1/21/05 ksy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

DONALD E. WHITE and AUSTA M. WHITE, Plaintiffs, vs. STEVEN A. TSCHERTER, DANA UHLENHOPP, CORDELL Q. PETERSON, JAMES SCHNEIDER, CAROL PETERSON, LINCOLN SAVINGS BANK, and LINCOLN BANCORP, Defendants.	Case No. CV04-0093-LRR **JUDGMENT**

DECISION BY COURT: This action came before the Court. The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED pursuant to an Order entered 1/21/05:

THAT Plaintiffs take nothing and that this action is dismissed without prejudice.

Dated: 1/21/05

PRIDGEN J. WATKINS
Clerk

s/ Karen S. Yorgensen
(By) Karen S. Yorgensen,
Deputy Clerk

A copy of this document has been mailed/faxed to all counsel of record, pro se parties and others listed and not shown as having been served electronically under the cm/ecf system:

1/21/05 ksy

UNITED STATES
DISTRICT COURT FOR THE
WESTERN DISTRICT OF ARKANSAS

U.S. District Court

Western District of Arkansas (FAYETTTEVILLE)

CIVIL, DOCKET FOR CASE #: 04-CV-5050

White, et al v. Tscherter, et al

Filed: 03/01/04
Assigned to: Honorable Jimm Larry Hendren
Demand: $0,000
Nature of Suit: 140
Lead Docket: None
Jurisdiction: Diversity
Dkt# in other court: None
Cause: 28:1332 Diversity-Negotiable Instrument

AUSTA M WHITE plaintiff	Austa M White [COR LD NTC] [PRO SE] 75 Davis Circle Bella Vista, AR 72714-5611 (479) 855-8767
DONALD E WHITE plaintiff	Donald E White [COR LD NTC] [PRO SE] 75 Davis Circle Bella Vista, AR 72714-5611 (479) 855-8767
v.	
STEVE TSCHERTER defendant	Robert Jeffrey Reynerson [COR LD NTC] Cypert, Crouch, Clark & Harwell 111 Holcomb Street P.O. Box 1400 Springdale, AR 72765-1400 (479) 751-5222

DANA UHLENHOPP defendant	Robert Jeffrey Reynerson (See above) [COR LD NTC]
10 UNNAMED DOES defendant	
LINCOLN SAVINGS BANK defendant	Robert Jeffrey Reynerson (See above) [COR LD NTC]
LINCOLN BANKCORP defendant	Robert Jeffrey Reynerson (See above) [COR LD NTC]

DOCKET PROCEEDINGS

DATE	#	DOCKET ENTRY
3/1/04	1	COMPLAINT (3 Summons(es) issued & retd to plaintiff f/svc) (jn) [Entry date 03/02/04]
3/1/04	1	MOTION by plaintiff Austa M White, plaintiff Donald E White for declaratory judgment (jn) [Entry date 03/02/04]
3/1/04	2	MEMORANDUM BRIEF by plaintiff Austa M White, plaintiff Donald E White in support of motion for declaratory judgment [1-1] (loose in file) (jn) [Entry date 03/02/04]
3/1/04	–	FILING FEE PAID: on 3/1/04 in the amount of $ 150.00, receipt # 64516. (jn) [Entry date 03/02/04] [Edit date 03/02/04]
3/1/04	–	Magistrate Notice/Consent Form furnished to parties. (jn) [Entry date 03/02/04]
3/12/04	3	RETURN OF SERVICE executed upon defendant Dana Uhlenhopp on 3/3/04 (jn) [Entry date 03/12/04]

3/12/04	4	RETURN OF SERVICE executed upon defendant Steve Tscherter on 3/3/04 (jn) [Entry date 03/12/04]
3/12/04	5	RETURN OF SERVICE executed upon defendant Lincoln Savings Bank on 3/3/04 (jn) [Entry date 03/12/04]
3/19/04	6	MOTION by defendant Lincoln Savings Bank, defendant Lincoln Bancorp, defendant Dana Uhlenhopp, defendant Steve Tscherter to dismiss case (tg) [Entry date 03/19/04]
3/19/04	7	MEMORANDUM BRIEF by defendant Lincoln Savings Bank, defendant Lincoln Bancorp, defendant Dana Uhlenhopp, defendant Steve Tscherter in support of motion to dismiss case [6-1] (tg) [Entry date 03/19/04]
3/29/04	8	RESPONSE by plaintiff Donald E White, plaintiff Austa M White to defendant's motion to dismiss case 6-1] (tg) [Entry date 03/29/04]
3/29/04	8	MOTION by plaintiff Donald E White, plaintiff Austa M White for summary judgment SAME DOCUMENT AS #8 (tg) [Entry date 03/29/04] [Edit date 03/29/04]
3/29/04	9	MEMORANDUM BRIEF by plaintiff Donald E White, plaintiff Austa M White in support of motion for summary judgment [8-1] (tg) [Entry date 03/29/04]
4/2/04	10	STATEMENT OF FACTS by plaintiff Donald E White, plaintiff Austa M White in support of motion for summary judgment [8-1] (tg) [Entry date 04/02/04]

4/9/04	11	RESPONSE by defendant Lincoln Savings Bank, defendant Dana Uhlenhopp, defendant Steve Tscherter to plaintiff's motion for summary judgment [8-1] (tg) [Entry date 04/09/04]
4/9/04	12	MEMORANDUM BRIEF by defendant Lincoln Savings Bank, defendant Dana Uhlenhopp, defendant Steve Tscherter in support of motion response [11-1] (tg) [Entry date 04/09/04]
4/13/04	13	STATEMENT OF FACTS by defendant Lincoln Savings Bank, defendant Dana Uhlenhopp, defendant Steve Tscherter in support of motion response [11-1] (tg) [Entry date 04/13/04]
4/22/04	14	REPLY & STATEMENT OF FACTS by plaintiff Donald E White, plaintiff Austa M White to response to motion for summary judgment [8-1] (Same doc as motion for common law jury trial) (jn) [Entry date 04/22/04]
4/22/04	14	MOTION by plaintiff Donald E White, plaintiff Austa M White for common law jury trial (jn) [Entry date 04/22/04]
5/3/04	15	SUR-REPLY by defendant Lincoln Savings Bank, defendant Dana Uhlenhopp, defendant Steve Tscherter to motion for common law jury trial [14-1], motion for summary judgment [8-1] (jn) [Entry date 05/03/04]
6/3/04	16	MOTION by plaintiff Donald E White, plaintiff Austa M White for scheduling conference (jn) [Entry date 06/03/04]

6/21/04	17	RESPONSE by defendant Lincoln Bankcorp, defendant Lincoln Savings Bank, defendant Dana Uhlenhopp, defendant Steve Tscherter to motion for scheduling conference [16-1] (jn) [Entry date 06/21/04]
7/14/04	18	ORDER by Honorable Jimm L. Hendren granting defendant's motion to dismiss case [6-1] and dismissing case without prejudice (cc: all counsel) (jn) [Entry date 07/14/04]
8/31/04	19	NOTICE OF APPEAL by plaintiff Austa M White, plaintiff Donald E White from District Court decision re: order [18-1] dated 07/14/04 (cc: Robert Jeffrey Reynerson) (received in USCA 08/31/04; received in District Court 09/07/04) (mfr) [Entry date 09/07/04] [Edit date 09/07/04]
9/7/04	–	RECEIVED 09/07/04 appeal [19-1] fee in amount of $255.00 receipt # 66476. (received in USCA-8th Circuit on 08/31/04) (mfr) [Entry date 09/07/04]
9/7/04	20	TRANSMITTAL LETTER to Robert Jeffrey Reynerson, Esq re Notice of Appeal (mfr) [Entry date 09/07/04]
9/7/04	–	REMARK: Notice of untimely filing of notice of appeal sent to plaintiff (jn) [Entry date 09/10/04]
9/17/04	21	MOTION by plaintiff Austa M White for leave to withdraw case #04-5050 from US Court of Apeals, and for leave to open a Miscellaneous case, and for leave for return of exhibit documents in case 04-5050 (ct) [Entry date 09/17/04] [Edit date 09/27/04]

10/4/04 22 RESPONSE by defendant Lincoln Bankcorp, defendant Lincoln Savings Bank, defendant Dana Uhlenhopp, defendant Steve Tscherter to motion for leave to withdraw case #04-5050 from US Court of Apeals [21-1], motion for leave to open a Miscellaneous case [21-2], motion for leave for return of exhibit documents in case 04-5050 [21-3] (ct) [Entry date 10/04/04] [Edit date 10/04/04]

10/4/04 23 MEMORANDUM BRIEF by defendant Lincoln Bankcorp, defendant Lincoln Savings Bank, defendant Dana Uhlenhopp, defendant Steve Tscherter in support of motion response [22-1] (ct) [Entry date 10/04/04]

10/7/04 24 ORDER by Honorable Jimm L. Hendren denying plaintiff's motion for leave to withdraw case #04-5050 from US Court of Apeals [21-1] motion for leave to open a Miscellaneous case [21-2] motion for leave for return of exhibit documents in case 04-5050 [21-3]; directing Clerk of Court to refund plaintiff's $255.00 filing fee and further directing clerk to return to plaintiff's the original exhibit documents and keeping photocopies of said exhibits for the official file (cc: all counsel) (jn) [Entry date 10/07/04]

IN THE UNITED STATES 8TH DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

IN LAW:

Austa M. White and Donald E. White, Plaintiffs in Propria Persona, Sui Juri	)	
v.	)	**Civil action No.** 04-5050
Steve Tscherter, Defendant.	)	**Judge:** Jimm Larry Hendren
Dana Uhlenhopp, Defendant.	)	**Judge:** _____
10 additional unnamed Does, Defendants, in their individual capacity	)	
IN REM: LINCOLN SAVINGS BANK, its various divisions and LINCOLN BANCORP, its parent,	)	

PLAINTIFF'S VERIFIED ULTRA VIRES COMPLAINT AND MOTION FOR DECLARATORY JUDGMENT

(Filed Mar. 1, 2004)

* * *

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

AUSTA M. WHITE and
DONALD E. WHITE PLAINTIFFS

v. Civil No. 04-5050

STEVE TSCHERTER, DANA
UHLENHOPP, LINCOLN
SAVINGS BANK, and 10
UNNAMED DEFENDANTS DEFENDANTS

ORDER

(Filed Jul. 14, 2004)

NOW on this 14th day of July 2004 comes on for consideration the **Motion to Dismiss for Improper Venue, Lack of Personal Jurisdiction and Failure to State a Claim upon which Relief Can be Granted** (document #6), filed on March 19, 2004 by defendants Lincoln Savings Bank, Lincoln Bancorp, Steve Tscherter and Dana Uhlenhopp, and the parties' respective responses and replies thereto. Having reviewed the pleadings of the parties, and all other matters of relevance before it, the Court, being well and sufficiently advised, finds and orders as follows:

1. The plaintiffs filed their complaint against the defendants on March 1, 2004. The plaintiffs' complaint asserts claims against the defendants under several federal statutes. Additionally, the complaint asserts certain state claims against the defendants, including claims under state Uniform Commercial Code sections.

According to the complaint, jurisdiction is proper "under 28 U.S.C. § 1331 because a federal question is

involved." Complaint, ¶ 11. The complaint also states that "[t]his court has further statutory jurisdiction over this lawsuit under 28 U.S.C. § 1332(a)(1), diversity of citizenship, because the Plaintiffs, Austa M. White and Donald E. White are citizens of the state of Arkansas and all Defendants, i.e., Steve Tscherter, Dana Uhlenhopp, and Does are citizens of the STATE OF IOWA wherein the amount in controversy exceeds $75,000, excluding interest and costs." Complaint, ¶ 14.

2. The defendants now move to dismiss plaintiffs' complaint due to improper venue, lack of personal jurisdiction, and failure to state a claim upon which relief can be granted.

3. Although plaintiffs' complaint cites 28 U.S.C. § 1391(e)(3) as controlling with respect to venue, subsection (e) of § 1391 applies only in an action "in which a defendant is an officer or employee of the United States or any agency thereof acting in his official capacity or under color of legal authority, or an agency of the United States, or the United States." *See* Complaint, ¶ 15. Clearly, 28 U.S.C. § 1391(b) controls venue if – as in this case – jurisdiction is not founded solely on diversity of citizenship.

According to 28 U.S.C. § 1391(b), venue is proper

> only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district-in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

4. As set forth in plaintiff's complaint:

* "[a]ll of the events alleged herein transpired at the bank's location in Allison, Butler County, Iowa." Complaint, ¶ 3;

* "LINCOLN SAVINGS BANK, its various divisions, and its parent, LINCOLN BANCORP, is a corporation that is organized and incorporated under the laws of the STATE OF IOWA and has its principal place of business in the STATE OF IOWA." Complaint, ¶ 8; and,

* "Steve Tscherter, Dana Uhlenhopp, and Does are citizens of the STATE OF IOWA." Complaint, ¶ 14.

5. Neither plaintiffs' complaint, nor its response to defendants' motion, allege that any of the defendants reside in the State of Arkansas; neither plaintiffs' complaint, nor its response to defendants' motion, allege that any of the defendants can be found within the State of Arkansas; and, neither plaintiffs' complaint, nor its response to defendants' motion, allege that any property that is the subject of this action is situated in the State of Arkansas.

6. Rule 12(b)(3) of the Federal Rules of Civil Procedure provides for dismissal for improper venue. In light of the controlling venue statute, 28 U.S.C. § 1391(b), and the circumstances of this case as presented by the pleadings thus far, it is this Court's opinion that venue is *not proper* before this Court. The defendants' motion should be

granted, and plaintiffs' complaint should be dismissed without prejudice.[1]

IT IS THEREFORE ORDERED THAT, for the above reasons, defendants' **Motion to Dismiss for Improper Venue, Lack of Personal Jurisdiction and Failure to State a Claim upon which Relief Can be Granted** should be, and hereby is, **granted**, and, plaintiffs' complaint should be, and hereby is, **dismissed without prejudice**.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES
DISTRICT COURT

This document entered on
docket in compliance with Rule
58 and 79(a), FRCP.

on 7-14-04 by JN

[1] Although plaintiffs' response to defendants' motion, entitled "Plaintiffs' Reply to Defendants' Answer and Plaintiffs' Motion for Summary Judgment," seeks the entry of summary judgment by this Court, this Court will not consider plaintiffs' motion for summary judgment as it has found that this case is not properly before this Court.

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

DONALD WHITE, et al. PLAINTIFF(S)

VS. CASE NO. 5:04CV5050

STEVE TSCHERTER, et al. DEFENDANT(S)

NOTICE

Rule 4 of the Federal Rules of Appellate Procedure requires that a notice of appeal be filed within thirty (30) days after the date of entry of the judgment or order appealed from to be timely. If the United States is a party, a sixty (60) day period is allowed. **The notice of appeal which you have tendered appears to be untimely.**

Rule 4(a)(5) of the Federal Rules of Appellate Procedure permits the filing of a motion with the district court within 30 days after the expiration of the period for filing a timely notice of appeal. It appears that the time for filing a notice of appeal in this case expired August 13, 2004. The motion may request an extension of time for filing a notice of appeal but the motion must show excusable neglect or good cause for the late filing. The motion will be ruled on by the district judge.

If you want to seek further review of the judgment or order in your tendered notice of appeal you must file a motion with this office *immediately* which requests an extension of time to file the notice of appeal and which explains why the notice was not timely filed. **Your failure to file a timely motion may preclude further review of the case on appeal.**

Dated this 7th day of September, 2004.

CHRISTOPHER R. JOHNSON
CLERK OF COURT

By: /s/ Mary Rogers
Deputy Clerk

In The United States District Court Of Appeals for the 8th Circuit
For Northern Iowa at St. Louis, Missouri
Proceeding As an Article III Court

(Handwritten Notation: # 04-5050)

IN LAW:

LINCOLN SAVINGS BANK **PLAINTIFF**	
V	**Appellate Case #: ___**
Donald E. and Austa M. White, *in propria personna*, Sui Juri Repatriated Sovereign Appellants, pursuant to 8 USC 1481(a)(6)	**From: Bremer County, IA District Court #EQCV002218**
By Special Appearance on behalf of	
DONALD E. WHITE, AUSTA M. WHITE, JAMES CARL WHITE, JENNI L. WHITE OAK TREE LEASING SYSTEMS, a trust	
Defendant-Appellants	

Notice of Appeal Taken Directly To The US District Court of Appeals for the 8th Circuit and Repatriated Sovereigns' Personal Affidavits

(Filed Aug. 31, 2004)

COMES NOW Donald E. and Austa M. White, *in propria personna,* Repatriated Sovereigns, by Special Appearance and

* * *

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

AUSTA M. WHITE and
DONALD E. WHITE — PLAINTIFFS

v. Civil No. 04-5050

STEVE TSCHERTER, DANA
UHLENHOPP, LINCOLN
SAVINGS BANK, and 10
UNNAMED DEFENDANTS — DEFENDANTS

ORDER

(Filed Oct. 7, 2004)

NOW on this 7 day of October 2004 comes on for consideration the **Repatriated Plaintiff's Motion to Withdraw Case #04-5050 from Before the United States Court of Appeals for the 8th Circuit in St. Louis, Pursuant to *Federal Rules of Civil Procedure*, Rule 60(a), Open a US District Court "Miscellaneous" Case in Fayetteville and Repatriated Plaintiff's Second Request for Return of #04-5050 Exhibit Documents** (document #21 – hereinafter called "Motion To Withdraw"), filed on September 17, 2004, and the defendants' response thereto. Having reviewed the pleadings of the parties, and all other matters of relevance before it, the Court, being well and sufficiently advised, finds and orders as follows:

1. By this Court's Order of July 14, 2004, this action – brought by plaintiffs, Austa M. White and Donald E. White – was dismissed on motion of the defendants.

2. The time for taking appeal from this Court's said Order of July 14, 2004, expired on or about August 13, 2004, and no such appeal was properly taken.

3. A pleading entitled **Notice of Appeal Taken Directly to the U.S. District Court of Appeals for the 8th Circuit and Repatriated Sovereigns' Personal Affidavits** (hereinafter "Notice of Appeal") was filed by the plaintiffs with this Court on August 31, 2004, together with an appeal fee of two hundred fifty-five dollars ($255.00). The Clerk of Court caused the said document to be docketed as an appeal to the Eighth Circuit Court of Appeals with respect to Civil Case No. 04-5050, that being the only matter recently pending before this Court concerning the named parties.

On September 7, 2004, the Clerk forwarded to plaintiffs a document entitled "Notice" which advised them that the Notice of Appeal appeared to be untimely, as it was filed outside the 30 day time period provided by Rule 4(a)(5) of the Federal Rules of Appellate Procedure.

4. The document now being addressed by the Court, the Motion To Withdraw (document #21), was filed ten days thereafter on September 17, 2004. In the Motion To Withdraw, plaintiffs seek

* to have Civil Case No. 04-5050 withdrawn "from before the United States Court of Appeals for the 8th Circuit in St. Louis"; and

* to "open a US District Court "Miscellaneous" category case in the Fayetteville office . . ."

5. Defendants respond to the Motion To Withdraw by contending:

* that, to the extent plaintiffs seek by their motion to open a "miscellaneous" case, it should be denied as there is no authority for the opening of such a file; and

* that, to the extent the plaintiffs seek by their motion to have this Court review a decision of the Iowa District Court of Bremer County, Iowa, it should be denied for the reason that this Court has no authority to conduct such a review.

6. When plaintiffs filed with the Clerk on August 31, 2004, a pleading titled "Notice of Appeal", Civil Case No. 04-5050 was the only matter which had been before this Court to which an appeal could possibly have related. In addition to styling the document "Notice of Appeal", plaintiffs also tendered to the Clerk along with it an appropriate fee for filing an appeal with the Eighth Circuit Court of Appeals. In light of these undisputed facts, the Court finds that the "Notice of Appeal" was properly docketed by the Clerk of this Court.

The Court further finds that the plaintiffs were properly notified by the Clerk that the "Notice of Appeal" was untimely as it was filed outside the thirty (30) day time period set forth in Rule 4(a)(5) of the Federal Rules of Appellate Procedure.

It follows that the issue of whether any appeal was sought by plaintiffs pursuant to their said "Notice of Appeal" is moot because failure to file a timely appeal renders the Court's Order of July 14, 2004, a final dispositive order in the case. Further, even if this were not the case, plaintiffs say in their Motion to Withdraw that they never intended to appeal the Court's Order of July 14, 2004, in the first place. Accordingly, the case is concluded and no appeal was properly taken.

It follows that, to the extent that plaintiffs Motion To Withdraw asks the Court to direct that Civil Case No. 04-5050 be withdrawn "from before the United States Court of Appeals for the 8th Circuit in St. Louis", it will be denied for the reasons stated.

7. Since Civil Case No. 04-5050 is closed and is no longer pending before this Court, to the extent that plaintiffs' Motion to Withdraw asks this Court to "open a US District Court "Miscellaneous" category case in the Fayetteville office, it will be denied. As argued by the defendants, no authority exists for authorizing such a procedure. Rule 3 of the Federal Rules of Civil Procedure provides that a civil action in U.S. District Court " . . . is commenced by filing a complaint with the court." Whatever else it may be, neither the Notice of Appeal nor the Motion To Withdraw is not a complaint which complies with Rule 3.

8. Although the Court is not persuaded that plaintiffs seek such, to the extent their Motion to Withdraw could be construed as a request that this Court review a decision of the Iowa District Court of Bremer County, Iowa, it will be denied. This Court has no authority to conduct such a review.

9. In light of the foregoing, the Court will order the Clerk of this Court to refund plaintiffs two hundred fifty-five dollar ($255) filing fee tendered along with its Notice of Appeal.

Plaintiffs further seek a return of the exhibit documents filed in Civil Case #04-5050. This request should be granted as it appears that case is finally concluded and no reason exists to retain the documents in question. Accordingly, the Clerk of Court will be directed to return said

original documents to plaintiffs along with their appeal filing fee, keeping photocopies of said documents for the official file.

IT IS, THEREFORE, ORDERED that the **Repatriated Plaintiff's Motion to Withdraw Case #04-5050 from Before the United States Court of Appeals for the 8th Circuit in St. Louis, Pursuant to *Federal Rules of Civil Procedure*, Rule 60(a), Open a US District Court "Miscellaneous" Case in Fayetteville and Repatriated Plaintiff's Second Request for Return of #04-5050 Exhibit Documents** (document #21) should be, and it hereby is, denied.

IT IS FURTHER ORDERED that the Clerk of this Court refund plaintiffs' two hundred fifty-five dollar ($255) filing fee previously tendered to this Court with plaintiffs' Notice of Appeal.

FINALLY, IT IS ORDERED that the Clerk of this Court shall return to plaintiffs the original exhibit documents which plaintiffs filed in Civil Case No. 04-5050, keeping photocopies of said documents for the official file.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES
DISTRICT COURT

IOWA,
SECOND JUDICIAL DISTRICT COURT,
BREMER COUNTY

Iowa Court Information System
BREMER
Clerk of Court – CLERK OF COURT,
Combined General Docket

Rpt ID : CPW200
Rpt Data : 04-MAR-05
Rpt Time : 02:28 PM
Rpt Beg : 01-APR-04
Rpt End : 04-MAR-05

---------- Case Name ----------

Case 02-09-1- -EQ-CV002218
Title (JSM)
LINCOLN SAVINGS BANK VS DONALD E WHITE ET AL

---------- Case Header ----------

Sub-Type Mortgage Nature
Initiated 01-APR-04 Milestone DISPOSED
Mil Dt 06-OCT-04
Judge Tp DISTRICT COURT JUDGE
Jud Dt 01-APR-04 Agency Pin
Agency Name

---------- Case Closing ----------

Disposition BY TRIAL TO COURT Disp Dt 06-OCT-04
Reopened Dt Microfilm Reference
Judge Tp DISTRICT COURT JUDGE
Judge Pin CG0000003
Judge Name JOHN S MACKEY

---------- Litigants ----------

Role	Name
PRO SE DEFENDANT Litigant Pin BR1039724	WHITE, JAMES CARL
PRO SE DEFENDANT Litigant Pin BR1065526	WHITE, DONALD E
PRO SE DEFENDANT Litigant Pin BR1188068	WHITE, AUSTA M
PRO SE DEFENDANT Litigant Pin BR1188692	WHITE, JENNI L
PRO SE DEFENDANT Litigant Pin D21169986	WHITE, JENNI LYNN
PLAINTIFF Litigant Pin BR1173187 Attorney(s) 000009823	LINCOLN SAVINGS BANK VICKERS, PATRICK
OBLIGOR Litigant Pin BR1001142	IN REM JUDGMENT
DEFENDANT Litigant Pin BR1039724	WHITE, JAMES CARL
DEFENDANT Litigant Pin BR1065526	WHITE, DONALD E
DEFENDANT Litigant Pin BR1188068	WHITE, AUSTA M
DEFENDANT Litigant Pin BR1188069	OAKTREE LEASING SYSTEMS A TRUST
DEFENDANT Litigant Pin D21169986	WHITE, JENNI LYNN

---------- Papers Filed ----------

Filed Date/Time	Seq	Event	Reference	St
01-APR-04 04:15 PM	0	PFLD		C

Description PETITION FILED
Comment(s) PETITION FOR FORECLOSURE #515

01-APR-04 04:15 PM	1	CINF		C

Description CONFIDENTIAL INFORMATION FORMS

07-MAY-04 10:50 AM	0	RSOT		C

Description RETURN OF SERVICE – OTHER
Comment(s) ACEEPTANCE OF SERVICE BY JENNI WHITE 4/23/04

07-MAY-04 10:50 AM	1	RSOT		C

Description RETURN OF SERVICE – OTHER
Comment(s) ACCEPTANCE OF SERVICE JAMES C WHITE SIGNED 4/23/04

21-MAY-04 11:08 AM	0	OTOT		C

Description OTHER EVENT
Comment(s) DEFENDANTS' (SUI JURI) CHALLENGE TO JURISDICTION OF IOWA 2ND JUDICIAL DISTRICT COURT FOR BREMER COUNTY AND NOTIFICATION TO BREMER COUNTY, IOWA OF PRIOR MOTION FOR COMMON LAW JURY TRIAL IN FEDERAL UNITED STATES 8TH DISTRICT COURT AT FAYETTEVILLE ARKANSAS

21-MAY-04 11:08 AM	1	OTOT		C

Description OTHER EVENT
Comment(s) MEMORANDUM OF LAW

21-MAY-04 11:08 AM 2 EXHB C
Description EXHIBIT
Comment(s) DEFENDANTS' INDEX OF EXHIBITS

21-MAY-04 12:15 PM 0 ANAN C
Description ANSWER
Comment(s) DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT: PETITION FOR FORECLOSURE AND NOTIFICATION OF PRIOR FEDERAL LITIGATION AND MOTION FOR COMMON

21-MAY-04 12:15 PM 0 AMAN C
Description ANSWER
Comment(s) LAW JURY TRIAL

21-MAY-04 12:15 PM 1 EXHB C
Description EXHIBIT
Comment(s) DEFENDANTS' INDEX OF EXHIBITS

10-JUN-04 12:42 PM 0 ODHR C
Description ORDER SETTING HEARING
Filed By BR0000001 RIFFEL, PAUL W
Comment(s) on Defendant's motion
7/12/04 @ 11:30 am

14-JUN-04 03:17 PM 0 OFCN C
Description ORDER FOR CONTINUANCE
Filed By BR0000001 RIFFEL, PAUL W
Comment(s) ORDER RESETTING HEARING
CONTINUED TO 7/26/04 @ 11:30 AM

26-JUL-04 09:42 AM 0 APAP C
Description APPEARANCE
Comment(s) NOTICE OF ENTRY OF APPEARANCE

26-JUL-04 09:42 AM 1 OTOT C
Description OTHER EVENT
Comment(s) PLANNED ORAL PRESENTATION IN REPLY TO SUA SPONTE ORDER BEFORE HIS HONOR JUDGE PAUL W RIFFEL IN REGARD TO MEMORANDUM OF LAW PURSUANT TO SUI JURI CHALLENGE OF JURISDICTION

26-JUL-04 09:42 AM 2 OTOT C
Description OTHER EVENT
Comment(s) DOCUMENT W/DEFINITIONS

26-JUL-04 12:54 PM 0 CNCN C
Description COURT REPORTER NOTES
Comment(s) CERTIFICATE OF JUDGE AND COURT REPORTER
JUDGE MACKEY
DENISE VANDENBROEKE CRT REP
$15.00 REP FEES

04-AUG-04 09:02 AM 0 OROT C
Description OTHER ORDER
Filed By CG0000003 MACKEY, JOHN S
Comment(s) RULING AND ORDER

04-AUG-04 09:02 AM 0 OROT C
Description OTHER ORDER
Filed By CG0000003 MACKEY, JOHN S
Comment(s) CHALLENGE TO JURISDICTION OVERRULED & DENIED

04-AUG-04 10:51 AM 0 FOOT C
Description OTHER AFFIDAVIT
Comment(s) AFFIDAVIT OF ATTORNEY PATRICK G VICKERS

04-AUG-04 10:51 AM 1 RSOT C
Description RETURN OF SERVICE – OTHER
Comment(s) BENTON CO SHERIFF SERVED
AUSTA WHITE

04-AUG-04 10:51 AM 2 EXHB C
Description EXHIBIT
Comment(s) DEFT EXHS 1, 1, 2, 3, 4, 5

24-AUG-04 03:51 PM 0 NOOT C
Description NOTICE
Comment(s) TRIAL SETTING CONFERENCE NOTICE
9/29/04 9:45 am

30-AUG-04 10:28 AM 0 NOOT C
Description NOTICE
Comment(s) OF APPEAL TAKEN DIRECTLY TO THE
US DISTRICT COURT OF APPEALS FOR
THE 8TH CIRCUIT AND REPATRIATED
SOVEREIGNS' PERSONAL AFFIDAVITS

30-AUG-04 12:36 PM 0 OTOT C
Description OTHER EVENT
Comment(s) STATEMENT OF UNDISPUTED
MATERIAL FACTS

30-AUG-04 12:36 PM 1 FOOT C
Description OTHER AFFIDAVIT
Comment(s) AFFIDAVIT OF DANA UHLENHOPP

30-AUG-04 12:36 PM 2 OTOT C
Description OTHER EVENT
Comment(s) MEMORANDUM OF LAW IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT

30-AUG-04 12:36 PM 3 MFSJ C
Description MOTION FOR SUMMARY JUDGMENT

30-AUG-04 12:36 PM 4 DDHR C
Description ORDER SETTING HEARING
Filed By CG0000002 SCOLES, JON S
Comment(s) 10/04/04 10:30 AM

01-SEP-04 10:02 AM 0 ORAP C
Description ORDER APPOINTING
Filed By CG0000002 SCOLES, JON S
Comment(s) PRESIDING JUDGE
(JUDGE MACKEY)

03-SEP-04 10:35 AM 0 DDHR C
Description ORDER SETTING HEARING
Filed By CG0000003 MACKEY, JOHN S
Comment(s) 10/06/04 10:00 AM

07-SEP-04 01:08 PM 0 DDHR C
Description ORDER SETTING HEARING
Filed By CG0000003 MACKEY, JOHN S
Comment(s) 10/06/04 10:00 AM

23-SEP-04 12:42 PM 0 TROT C
Description OTHER TRANSCRIPT
Comment(s) TRANSCRIPT OF PROCEEDINGS

29-SEP-04 10:25 AM 0 NOOT C
Description NOTICE
Comment(s) TRIAL SETTING CONFERENCE NOTICE
10/06/04 10:00 AM

29-SEP-04 01:09 PM 0 NOOT C
Description NOTICE
Comment(s) TRIAL SETTING CONFERENCE NOTICE

04-OCT-04 01:19 PM 0 OTOT C
Description OTHER EVENT
Comment(s) REPATRIATED PLAINTIFF-APPELLANTS' MOTION FOR AN EMERGENCY FEDERAL STAY OF EXECUTION OF FORECLOSURE IN BREMER COUNTY, IOWA

06-OCT-04 10:28 AM 0 DDOT C
Description OTHER DECREE
Filed By CG0000003 MACKEY, JOHN S
Comment(s) ORDER GRANTING SUMMARY AND DEFAULT JUDGMENT AND DECREE OF FORECLOSURE

06-OCT-04 10:29 AM 0 FOOT C
Description OTHER AFFIDAVIT
Comment(s) AFFIDAVIT REGARDING ATTORNEY FEES AND EXPENSES

06-OCT-04 10:29 AM 1 FOOT C
Description OTHER AFFIDAVIT

06-OCT-04 10:29 AM 2 OTOT C
Description OTHER EVENT
Comment(s) NON-CONSUMER EXTENSION NOTE

06-OCT-04 10:29 AM 3 OTOT C
Description OTHER EVENT
Comment(s) ATTACHMENT TO NOTE DATED 4/1/02

06-OCT-04 10:30 AM 0 CNCN C
Description COURT REPORTER NOTES
Comment(s) CERTIFICATE OF JUDGE AND COURT REPORTER JUDGE MACKEY
DENISE VANDENBROEKE CRT REP
$15.00
INCLUDES AUDIO TAPE

19-OCT-04 04:09 PM 0 MOOT C
Description MOTION
Comment(s) APPLICATION FOR NUNC PRO TUNC ORDER

01-NOV-04 10:00 AM 0 OROT C
Description OTHER ORDER
Filed By CG0000003 MACKEY, JOHN S
Comment(s) ORDER NUNC PRO TUNC

01-NOV-04 10:48 AM 0 PRAE C
Description PRAECIPE
Comment(s) REQUEST FOR EXECUTION
RE: DIVISION I

01-NOV-04 10:48 AM 1 PRAE C
Description PRAECIPE
Comment(s) REQUEST FOR EXECUTION
RE: DIVISION II

03-NOV-04 01:06 PM 0 ESPC C
Description EXECUTION – SPECIAL
Filed By BR1065526 WHITE, DONALD E
Comment(s) ISSUED TO BCSO

03-DEC-04 02:46 PM 0 SATF C
Description SATISFACTION – FULL
Comment(s) SATISFACTION OF JUDGMENT AND
RECEIPT FOR COURT COSTS

17-DEC-04 12:48 PM 0 TRCR C
Description COURT REPORTER TRANSCRIPT
Comment(s) TRANSCRIPT OF PROCEEDINGS

26-JAN-05 03:26 PM 0 RSEX C
Description RETURN OF SERVICE – EXECUTION
Comment(s) EXECUTION RECALLED

IN THE IOWA 2ND JUDICIAL DISTRICT COURT FOR BREMER COUNTY

AT LAW:

LINCOLN SAVINGS BANK,	)
Plaintiff	) Civil Action No.
v.	) EQCV002218
DONALD E. WHITE,	) His Honor, Judge Jon Scoles
AUSTA M. WHITE,	) His Honor, Judge Paul Riffell
JAMES CARL WHITE,	) His Honor, Judge Stephen
JENNI L. WHITE,	) Carroll
OAK TREE LEASING SYSTEMS,	) His Honor, Judge James Drew) His Honor, Judge John
a trust,	) Mackey) His Honor, Judge Bryan
DEFENDANTS	) McKinley) or to whomever assigned

DEFENDANTS' (SUI JURI') CHALLENGE TO JURISDICTION OF IOWA 2ND JUDICIAL DISTRICT COURT FOR BREMER COUNTY

And

NOTIFICATION TO BREMER COUNTY, IOWA OF PRIOR MOTION FOR – *COMMON LAW* – JURY TRIAL IN FEDERAL UNITED STATES 8TH DISTRICT COURT, at FAYETTEVILLE, ARKANSAS

(Filed May 21, 2004)

Pfalmes CXXXIX (Psalm 139) in its entirety and
Deuteronomie XVII:15 (Deuteronomy 17:15)
Thou shalt in any wise set him King over thee,
whom the Lord thy God shall choose. One from among thy bretheren shalt thou set King

***over thee**; thou mayest not set a stranger over thee, which in not thy brother.*

DEFENDANTS DEMAND FOR PROOF OF JURISDICTION

***In Personam* and *In rem:* Authority; and Legitimacy of court judge Pursuant to *Federal Rules of Civil Procedure*, Rule 60(b)(3), (4) and (6) *Iowa Rules of Civil Procedure*, Rule 1.313**

I. INTRODUCTION.

1. COMES NOW, Donald E. White and Austa M. White, Sui Juri, *in propria persona*, in upper and lower case, the non-juristic Secured Parties with regard to DONALD E. WHITE and AUSTA M. WHITE, with Power of Attorney, as Agents and Authorized Representatives of DEFENDANTS above named, hereinafter referred to as "Sui Juri",

* * *

IN THE IOWA 2ND JUDICIAL DISTRICT COURT FOR BREMER COUNTY

AT LAW:

LINCOLN SAVINGS BANK,	
Plaintiff	**Civil Action No. EQCV002218**
v.	
DONALD E. WHITE, AUSTA M. WHITE, JAMES CARL WHITE, JENNI L. WHITE, OAK TREE LEASING SYSTEMS,	**His Honor, Judge Paul Riffell**
a trust,	
DEFENDANTS	

NOTICE OF ENTRY OF APPEARANCE

(Filed Jul. 26, 2004)

Comes now, Anita J. Vedder, *in propria persona*, a common law Attorney-In-Fact, and hereby enters her appearance as Attorney of Record for DONALD E. WHITE, AUSTA M. WHITE, JAMES C. WHITE, JENNI L. WHITE, and OAK TREE LEASING SYSTEMS, a trust, named as Defendants in this matter, and further, requests that all notices of any proceedings in this matter be directed to her as Attorney-In-Fact for said Defendants.

Anita J. Vedder, *in propria persona*,
Without Prejudice, UCC §1-207
In Care Of 1000 Kilgrow Court
Smyrna, Republic state of Tennessee
Postal Zone [37167-5967]
(615) 337-7008

/s/ Anita J. Vedder
Anita J. Vedder, *in propria persona*

AFFIDAVIT OF SERVICE

Dated this 26th day of July, 2004, NOTICE OF ENTRY OF APPEARANCE, was filed in THE IOWA 2nd JUDICIAL DISTRICT COURT FOR BREMER COUNTY, STATE OF IOWA, with affidavit of service upon LINCOLN SAVINGS BANK having been mailed to its attorney, Patrick G. Vickers, on July 24th, 2004, first class USPS postage pre-paid to:

Vickers Law Office
Patrick G. Vickers
PO Box 499
Greene, Iowa 50636

With all rights reserved, as provided at UCC §1-207, I remain,

/s/ Anita J. Vedder
Anita J. Vedder, *in propria persona*,
Without Prejudice, UCC §1-207
In Care Of 1000 Kilgrow Court
Smyrna, Republic state of Tennessee
Postal Zone [37167-5967]
(615) 337-7008

IN THE IOWA DISTRICT COURT
FOR BREMER COUNTY

LINCOLN SAVINGS BANK, Plaintiff, v. DONALD E. WHITE, AUSTA M. WHITE, JAMES CARL WHITE, JENNI L. WHITE, and OAKTREE LEASING SYSTEMS, a trust, Defendants.	Cause No. EQCV002218 RULING AND ORDER (Filed Aug. 4, 2004)

* * *

BE IT REMEMBERED that on the 26th day of July, 2004, the above-entitled matter came on for hearing pursuant to prior orders of the court setting hearing upon defendants' "Memorandum of Law: The Legal Foundation Upon Which Rests This Defendants' (Sui Juri') Challenge To And Demand For Jurisdiction" filed May 21, 2004, by defendants, Donald E. White and Austa M. White. Defendants appeared personally along with their attorney-in-fact, Ms. Anita J. Vedder. Ms. Vedder, however, is not licensed to practice law in the state of Iowa and defendants were required to proceed pro se. Plaintiff, Lincoln Savings Bank, appeared by its attorney of record, Mr. Patrick G. Vickers of Greene, Iowa.

The document filed by defendants is in the nature of a special appearance and challenges both the subject matter and in personam jurisdiction of this court over the defendants.

With respect to subject matter jurisdiction, it is clear that the Iowa District Court has the authority and duty to exercise general and original jurisdiction over this civil matter. Article 5, Sections 1 and 6, Constitution of the State of Iowa; Iowa Code Section 602.6101; Iowa Code Chapter 654.

With respect to in personam jurisdiction, the return of service reflects herein that Benton County Deputy Sheriff Jason Shane Abbott personally served defendants, Donald E. White and Austa M. White, an original notice and copy of plaintiff's petition for foreclosure on May 5, 2004, at 75 Davis Circle, Bella Vista, Arkansas. In addition, defendant, Oaktree Leasing Systems, a trust, was also served in a similar manner. Defendants, James Carl White and Jenni L. White, accepted service pursuant to their acceptances of service filed May 7, 2004.

On May 21, 2004, defendants filed "Defendants' Answer to Plaintiff's Complaint: Petition for Foreclosure and Notification of Prior Federal Litigation and Motion for Common Law Jury Trial." Pursuant to affidavit of Attorney Patrick G. Vickers, the litigation referred to by defendants has been dismissed pursuant to the order of the Honorable Jimm Larry Hendren, United States District Court Judge for the Western District of Arkansas, on July 14, 2004.

Based upon the return of service, the acceptances of services, the allegations contained within the petition which established minimum contacts over all defendants, the court concludes that it possesses the requisite in personam jurisdiction over all defendants herein for purposes of adjudicating the issues set forth in the petition for foreclosure. Accordingly, defendants' challenge to

jurisdiction filed May 21, 2004, should be and the same is hereby overruled and denied.

IT IS SO ORDERED.

Dated this 2nd day of August, 2004.

/s/ John S. Mackey
John S. Mackey
Judge of the Second Judicial
District of Iowa

Clerk shall furnish copies to:

- ✓ Patrick G. Vickers
- ✓ Donald E. White
- ✓ Austa M. White
- ✓ James Carl White
- ✓ Jenni L. White
- ✓ Oaktree Leasing Systems

Contested Hearing	Uncontested Hearing	Not Applicable
x		

IN THE IOWA DISTRICT COURT
FOR BREMER COUNTY

LINCOLN SAVINGS BANK, Plaintiff, vs. DONALD E. WHITE, AUSTA M. WHITE, JAMES CARL WHITE, JENNI L. WHITE and OAK TREE LEASING SYSTEMS, a trust, Defendants.	)	Case No. EQCV002218 **ORDER GRANTING SUMMARY AND DEFAULT JUDGMENT AND DECREE OF FORECLOSURE** (Filed Oct. 6, 2004)

BE IT REMEMBERED that the Plaintiff's Motion for Summary Judgment came before the Court on the 6th day of October, 2004. The Court also was presented with an Application for Entry of Default with respect to the Defendants James Carl White and Jenni L. White on that date. The Plaintiff was represented at the aforesaid hearing by its attorney, Patrick G. Vickers. Defendants Austa M. White and Donald E. White appeared on behalf of themselves and on behalf of the Defendant Oak Tree Leasing Systems.

With respect to the Application for Entry of Default, an examination of the record indicates that James Carl White and Jenni L. White were served with original notice and a copy of the petition on April 23, 2004. Neither of said Defendants have served nor, within a reasonable time thereafter, filed a motion or answer as required by Iowa Rule of Civil Procedure 1.303 or 1.304. They are, therefore, in default. Judgment by default is entered against said Defendants as set forth hereinafter.

With respect to the Plaintiff's Motion for Summary Judgment, an examination of the record indicates that the Defendants Donald E. White, Austa M. White and Oak Tree Leasing Systems have failed to file a timely resistance to said motion and, additionally, have failed to timely file a statement of disputed facts or memorandum of authorities supporting said resistance as required by Iowa Rule of Civil Procedure 1.981.

In any event, the Motion for Summary Judgment filed by the Plaintiff, together with the Statement of Undisputed Material Facts, Memorandum of Law in Support of Motion for Summary Judgment and Affidavit of Dana Uhlenhopp (and correction) have been examined by the Court and the Court **FINDS** the following facts to be undisputed:

As alleged in Division I of the Plaintiff's petition, the Defendants Donald E. White and Austa M. White are obligated to the Plaintiff under two promissory notes which are attached to Plaintiff's petition as Exhibits "A" and "C". The Defendants are in default with respect to the repayment of these notes in that they have not been timely paid. The unpaid balance with respect to the promissory note attached to Plaintiff's petition as Exhibit "A", as of April 1, 2004 (the date the petition in this case was filed) was $772,000.43; $700,000 of this amount is unpaid principal and $72,000.43 of which was accrued, unpaid interest. Additionally, interest continues to accrue on said note at a rate of $129.45 per day (interest at 6.75% on a principal balance of $700,000) from and after April 1, 2004. The Court further **FINDS** that the Defendants Donald E. White and Austa M. White are indebted to the Plaintiff under the promissory note attached to, the Plaintiff's petition as Exhibit "C". The amount of said

indebtedness, as of April 1, 2004 (the date the petition in this case was filed), was $17,085.27; $15,321.52 of which is unpaid principal and $1,763.75 of which was accrued, unpaid interest. Additionally, interest continues to accrue on this obligation at a rate of $3.35 per day (interest at 8% on a principal balance of $15,321.52) from and after April 1, 2004. The Court also **FINDS** that the obligations of the Plaintiffs under the aforesaid promissory notes are secured by two deeds of trusts which were executed by the Defendants Donald E. White and Austa M. White in favor of the Plaintiff, copies of which are attached to the Plaintiff's petition as Exhibits "E" and "F".

As alleged in Division II of the Plaintiff's petition, the Court also **FINDS** that the Defendant Oak Tree Leasing Systems is obligated to the Plaintiff under the aforesaid promissory notes by virtue of the written guarantee executed by Oak Tree Leasing Systems in favor of the Plaintiff, a copy of which is attached to Plaintiff's petition as Exhibit "G". Additionally, the obligation of the Defendant Oak Tree Leasing Systems to the Plaintiff under the aforesaid promissory notes and guarantee is secured by a deed of trust executed by the Defendant Oak Tree Leasing Systems in favor of the Plaintiff, a copy of which is attached to Plaintiff's petition as Exhibit "H".

Based upon the foregoing findings of fact, the Court **CONCLUDES** that the Defendants Donald E. White, Austa M. White and Oak Tree Leasing Systems are in default with respect to their obligations under the aforesaid promissory notes and that the Plaintiff is entitled to judgment with respect to the same. Under Iowa Code section 554.3104(1) and (2), the promissory notes are clearly "negotiable instruments" and "instruments" as those terms are defined in Iowa's Uniform Commercial

Code. Under Iowa Code section 554.3105(3), the issuer of an instrument includes the party making the instrument. Under Iowa Code section 554.3412 the obligation of the issuer of an instrument is to pay the instrument according to its terms. Additionally, it is clear from the language of the written guarantee executed by Oak Tree Leasing Systems in favor of Lincoln Savings Bank with respect to the indebtedness of the Defendants Donald E. White and Austa M. White that Oak Tree Leasing Systems is also liable for the payment of the obligation.

Under Iowa Code sections 654.1 and 654.2, foreclosure is the appropriate remedy for indebtedness under a promissory note secured by a real estate mortgage or deed of trust. It is clear that no material fact issue remains in dispute in this matter and that the Plaintiff is entitled to judgment as a matter of law pursuant to Iowa Rule of Civil Procedure 1.981.

Based upon the foregoing, **IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED** as follows:

A. With respect to Division I:

1. The Plaintiff is hereby granted judgment in rem against the real estate described in the deeds of trust attached to the Plaintiff's petition as Exhibits "E" and "F" (which real estate is separately described in Exhibit "A" attached to this order) in the amount of $789,085.70, together with interest thereon at a rate of $132.80 per day from and after April 1, 2004, and for the sum of $23,416.89 for Plaintiff's attorney's fees and advances and costs in the amount of $130.00;

2. The Plaintiff's deeds of trust attached to Plaintiff's petition as Exhibits "E" and "F"

are hereby foreclosed and the Plaintiff's liens thereunder are hereby established to be first and paramount liens with respect to the real estate described therein and superior to the interests of all of the Defendants (with the exception of the respective rights of redemption of the Defendants Donald E. White and Austa M. White);

3. A Writ of Special Execution shall be issued with respect to the real estate described in Exhibit "A" attached hereto and said real estate shall be sold at execution sale pursuant to the laws of the State of Iowa to satisfy the judgment entered herein;

4. Judgment is further entered against the Defendants Donald E. White and Austa M. White, jointly and severally, in the amount of $789,085.70 together with interest thereon at a rate of $132.80 per day from and after April 1, 2004, and $23,416.89 in attorney's fees and advances and costs in the amount of $130.00. Said judgment may be enforced against said Defendants, jointly and severally, for any deficiency remaining after the special execution sale of the aforesaid real estate. Any amount received with respect to the judgment entered under Division I shall also be credited to the judgment entered under Division II. The obligations of Donald E. White and Austa M. White for any deficiency under the judgment entered under Division I shall be joint and several with the obligation of Oak Tree Leasing Systems under Division II.

B. With respect to Division II:

1. The Plaintiff is hereby granted judgment in rem against the real estate described in the deed of trust attached to the Plaintiff's petition as Exhibit "H" (which real estate is separately described in Exhibit "B" attached to this order) in the amount of $789,085.70, together with interest thereon at a rate of $132.80 per day from and after April 1, 2004, and for the sum of $23,416.89 for Plaintiff's attorney's fees and advances and costs in the amount of $130.00;

2. The Plaintiff's deed of trust attached to Plaintiff's petition as Exhibit "H" is hereby foreclosed and the Plaintiff's lien thereunder is hereby established to be a first and paramount lien with respect to the real estate described therein and superior to the interests of all of the Defendants (with the exception of the right of redemption of Oak Tree Leasing Systems);

3. A Writ of Special Execution shall be issued with respect to the real estate described in Exhibit "B" attached hereto and said real estate shall be sold at execution sale pursuant to the laws of the State of Iowa to satisfy the judgment entered herein;

4. Judgment is further entered against the Defendant Oak Tree Leasing Systems in the amount of $789,085.70 together with interest thereon at a rate of $132.80 per day from and after April 1, 2004, and $23,416.89 in attorney's fees and advances and costs in the amount of $130.00. Said judgment may be enforced against said Defendant for any

deficiency remaining after the special execution sale of the aforesaid real estate. Any amount received with respect to the judgment entered under Division II shall also be credited to the judgment rendered under Division I. The obligation of Oak Tree Leasing Systems for any deficiency under the judgment rendered under Division II shall be joint and several with the obligations of Donald E. White and Austa M. White under Division I.

ALL OF WHICH IS SO ORDERED this 6th day of October, 2004.

[Illegible]
JUDGE, SECOND JUDICIAL
DISTRICT OF IOWA

EXHIBIT "A"

1. The N 700 feet of the East 622 feet of the NW Frl. ¼, Section 7, Township 92 North, Range 14 West of the 5th P.M., containing 9.99 acres, more or less.

2. W½ Nfrl.½ of Section 7; and except tract of land described as follows: N 700 ft. of E 622 ft. of NW frl¼ containing 9.99 acres more or less. The E½NE¼ of Section 18 except a tract of land located in the NE¼ of Section 18 described as follows: Beginning at a point on the East line of said Section 18 which is 695.3 feet South of the Northeast corner of said Section 18, thence West 630 feet, thence South 414.86 feet, thence East 630 feet, thence North 414.86 feet to the point of beginning, containing 6 acres inclusive of present

established highway on the East side thereof, subject to highways of record; and the East 35 acres of the SE¼ of Section 18, excepting therefrom the South 10 rods of the East 16 rods thereof, and further excepting the parcel conveyed unto the State of Iowa for road purposes by Warranty Deed dated October 5, 1959, and recorded in Book 128, Page 591, of the Deed of Records of Bremer County, Iowa, and further subject to easements of record and to public highways, all in Township 92 North, Range 14 West of the 5th P.M.

EXHIBIT "B"

Southeast Quarter (SE¼), Section 18, Township 92 North, Range 14 West of the 5th P.M., EXCEPT East 35 acres and except West 25 acres of the Southwest Quarter (SW¼) of Southeast Quarter(SE¼) of said Section 18, AND EXCEPT the following: Beginning at a point on the Section line that is West 576.00 feet from the Southeast corner of Section 18, Township 92 North, Range 14 West of the 5th P.M., Bremer County, Iowa; said point being the Southwest corner of the East 35 acres of the Southeast Quarter (SE¼); thence West 294.00 feet along the South line of Section 18, thence North 0 degrees 09'00" East 557.00 feet parallel with the East line of the Southeast Quarter (SE¼); thence East 294.00 feet to the West line of the East 35 acres; thence South 0 degrees 09'00" West 557.00 feet to the point of beginning.

APPENDIX B
MISCELLANEOUS

TITLE 8 > CHAPTER 12 > SUBCHAPTER III > Part III > § 1481

§ 1481. Loss of nationality by native-born or naturalized citizen; voluntary action; burden of proof; presumptions

(a) A person who is a national of the United States whether by birth or naturalization, shall lose his nationality by voluntarily performing any of the following acts with the intention of relinquishing United States nationality –

* * *

(5) making a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state, in such form as may be prescribed by the Secretary of State; or

(6) making in the United States a formal written renunciation of nationality in such form as may be prescribed by, and before such officer as may be designated by, the Attorney General, whenever the United States shall be in a state of war and the Attorney General shall approve such renunciation as not contrary to the interests of national defense; or

* * *

(b) Whenever the loss of United States nationality is put in issue in any action or proceeding commenced on or after September 26, 1961 under, or by virtue of, the provisions of this chapter or any other Act, the burden shall be upon the person or party claiming that such loss occurred, to establish such claim by a preponderance of the evidence. Any person who commits or performs, or who has committed or performed, any act of expatriation under the provisions of this chapter or any other Act shall be presumed to have done so voluntarily, but such presumption may be rebutted upon

a showing, by a preponderance of the evidence, that the act or acts committed or performed were not done voluntarily.

B-3

Donald E. White
Without Prejudice, UCC 1-207
In Care of 75 Davis Circle
Bella Vista, AR
72714-5611

March 12, 2004

Office of the Attorney General
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530-0001
202-353-1555

Attn: John D. Ashcroft, Attorney General, US Department of Justice of the [corporate] UNITED STATES

RE: Notice of Declaration of True Citizenship and Non-juristic Status.

Hand Delivered On March 15th, 2004 at the address shown above

Greetings, Mr. Attorney General:

You are hereby SERVED with the attached thirty-six (36) page "Declaration of True Citizenship and Non-juristic Status," hereinafter referred to as "Declaration," by and for Donald Eugene White. This Declaration now serves as FORMAL and ACTUAL NOTICE to the statutorily designated officer of the [corporate] UNITED STATES[1], of my True Citizenship and Non-juristic Status, nunc pro tunc[2],

[1] The term "UNITED STATES" (within this document) when spelled in all UPPERCASE letters refers to the de facto [corporate] United States with jurisdiction only in Washington, D.C. and the Territories.

[2] "Latin, 'Now for then'. A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect; i.e., with the same effect as if regularly done". Black's Law Dictionary 5th Edition.

which I now claim and assert pursuant to the recent exposure and vitiation of the fraudulent contracts and indentures which have been unlawfully thrust upon me for years (without full disclosure and without my knowledge and consent) by the [corporate] UNITED STATES government in an attempt by said government to make me an incompetent "child of the STATE". This document completely and unequivocally establishes me, Donald Eugene White, as a Sui juris[3] American Citizen/National (state Citizen)[4] in the Republic of the freely associated united States, and in particular, the Arkansas state (Republic). As such, I am NOT an artificial/fictitious/juristic person within the jurisdiction of the UNITED STATES[5] and its affiliate [federal corporate sub-entity] STATES.

Over the past 160 years or so, a sinister malfeasance of incredible proportion has taken place in America – the net result of which is that the once free and independent American people have been transmogrified into little more than indentured tax slaves of the *de facto* [corporate] UNITED STATES federal government.

---

[3] "Of his own right; possessing full social and civil right; not under any legal disability, or the power of another, or guardianship." Black's Law Dictionary, 5th Edition.

[4] The term Citizen as used throughout this Declaration has the meaning of a living man (Female) who is "One of the sovereign people. A constituent member of the sovereignty synonymous with the people. Scott v. Sandford, 19 How. 404, 15 L. Ed. 691" Black's Law Dictionary 3rd Edition. I am an unencumbered Citizen within the Republic (as guaranteed by the Constitution; Art. IV, Section 4) and NOT a 14th Amendment citizen or subject of the Legislative Democracy of the U.S. Federal government.

[5] The Jurisdiction of the UNITED STATES is limited to Washington, D.C. and the Territories (see Art. I, Section 8, Clause 17 of the Constitution for the United States).

Having recently come to an understanding of what has happened to America's freedom while we (and our forebears) were all "asleep," I must lodge my complaint and this FORMAL and ACTUAL NOTICE of Declaration in the only peaceful way I know how: to serve OFFICIAL NOTICE upon the statutory [corporate] UNITED STATES Officer, pursuant to 8 USCA §1481 (6), – under martial rule, that would be you, Sir, – that the newly discovered fraud which has for years been perpetrated against me in the form of undisclosed contracts and indentures are hereby vitiated, ab initio[6], for fraud, and that I am hereby and forthwith separated from the *de facto* [corporate] UNITED STATES federal citizenship, nunc pro tunc[7], which citizenship was unlawfully thrust upon me by those who perpetuated a grievous fraud against me – without my knowledge or consent.

To clarify which UNITED STATES I am expatriating from, I submit the following:

The U.S. supreme Court declared in the case of *Hooven and Allison v. Evatt*[8] that:

> *The term 'United States' may be used in any one of several senses. It may be merely:*
>
> *[1] the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations (hereinafter referred to as "United States or United States of America"), or*

---

[6] Latin From the beginning.

[7] Ibid 2.

[8] *Hooven & Allison Co. v. Evatt*, U.S.Ohio, 324 U.S. 652, 65 S.Ct. 870, 880, 89 L.Ed. 1252.

[2] it may designate the territory over which the sovereignty of the United States extends [324 U.S. 652, 672], (hereinafter referred to as "UNITED STATES"); or,

[3] it may be the collective name of the states which are united by and under the Constitution. (hereinafter referred to as "united States of America")

Be advised that I am not expatriating from the United States or these united States of America the country (the first and third definitions above). I am expatriating from the municipal corporation (*de facto* UNITED STATES and its [federal corporate sub-entity] STATES) which is the second definition above. The UNITED STATES is located and has jurisdiction only in the District of Columbia, U.S. military bases, federal territories and other areas (land) ceded to the United States of America. UNITED STATES citizenship is derived from section 1 of the 14th Amendment to the Constitution.

To remove all doubt, the municipal corporation from which I am expatriating is described in *U.S.C. Title 28, §3002*. Definitions as follows:

(15) "United States" means –

(A) a Federal corporation;

(B) an agency, department, commission, board, or other entity of the United States; or

(C) an instrumentality of the United States.

My allegiance is to the Arkansas state (Republic) and then to these united States of America as they each submit to and adhere to the limitations on their respective powers as set forth in the Constitution for the United States.

Be advised that in all future interaction with the government, if the term "U.S. CITIZEN" appears in all

capitals on any form or application, including, but not limited to, voter registration, driver's license, etc, then the meaning attributed to such ambiguity (given the three definitions of "United States" above) by me and by implication also you and your agents, shall *NOT* be that of a 14th Amendment citizen or a "UNITED STATES citizen", but rather that of an "American Citizen/National (state Citizen)", "United States Citizen" or "united States of America Citizen" until or unless a contrary intent is *clearly expressed* by the government to remove all ambiguity created by the use of all capital letters. This also applies retroactively to any government forms I may have completed in the past. Thus, I will *not be jeopardizing the state Citizenship status established in this Declaration by any interaction with the government either in the past or in the future.* The government is chargeable with full knowledge of this reality in all its dealings with me as an American Citizen/National (state Citizen).

In the highly unlikely event that I overlooked key information during my exhaustive research, and government agencies did, in fact, fully disclose to me their intention to disconnect me from my birthright and God-given and constitutionally protected unalienable rights, and instead virtually enslave me, and should you find this *Declaration* to be deficient or insufficient in any way to accomplish the changes in your documentation necessary to correctly reflect my citizenship as an "American Citizen/National (state Citizen)", then you are hereby directed to notify me in writing within twenty (20) days from the date this *Declaration* and ACTUAL NOTICE is hand delivered to you if you have any evidence, questions, rebuttals, corrections, disputes, or other information to the contrary, regarding my birthrights and this *Declaration of True Citizenship and Non-juristic Status.*

Under the Uniform Commercial Code (UCC), §1-205, your failure to respond in writing by midnight twenty (20) days from the date this Declaration and ACTUAL NOTICE is hand delivered to you shall:

- Cause the permanent forfeit any and all claims by the UNITED STATES and its [federal corporate sub-entity] STATE governments to the contrary;
- Constitute an affirmative act of approval of and compliance with the wishes expressed by me in this Declaration of True Citizenship and Non-juristic Status;
- Establish that this Declaration is in full force and effect; further, this evidence (Declaration) setting forth my lawful status as a fully competent sovereign[9] American Citizen/National (state Citizen) – Expatriated, Repatriated and restored to my full and unprejudiced birthright – is firmly established in law.

Should you respond as directed above, you must:

1. Address all correspondence to the mailing location EXACTLY as indicated in the letterhead above;
2. Personally sign any correspondence you send to me;
3. Include references to the law, Code of Federal Regulations, and the Federal Register which requires any additional information or forms you are requesting or which directly rebuts this Declaration; and

---

[9] That is, a part of the collective sovereignty called "We the People" and not an individual king or queen Sovereign.

4. Use an OMB-approved document which complies with the requirements of the Paperwork Reduction Act by stating whether disclosing the information is "mandatory" or "voluntary", the code or regulation requiring disclosure if mandatory, and by providing an OMB control number and expiration date clearly visible on the form.

Upon your failure to serve me with your timely written objections by midnight twenty (20) days from the date this Declaration and ACTUAL NOTICE is hand delivered to you, you are hereby directed to adjust all records within the jurisdiction of the UNITED STATES including, but not limited to, Social Security Administration, Internal Revenue Service (IRS), The State Department, and the [federal corporate sub-entity] STATES to reflect my correct state Citizenship and fully competent and non-juristic status.

NOTICE TO THE PRINCIPAL
IS NOTICE TO THE AGENT
NOTICE TO THE AGENT
IS NOTICE TO THE PRINCIPAL
Applicable to all successors and assigns
Silence is Acquiescence

Thank you for your cooperation in this matter.

Sincerely,

/s/ Donald Eugene White
Donald Eugene White
Without Prejudice, UCC 1-207
In Care Of 75 Davis Circle
Bella Vista, Arkansas
Pz [72714-5611]

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1. DECLARATION OF TRUE CITIZENSHIP AND NON-JURISTIC STATUS

The right to forswear allegiance and to expatriate is a fundamental right of liberty. The Fortieth Congress of the UNITED STATES recognized that "the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness."[10] The Fortieth Congress of the

[10] Fortieth Congress Session II Ch. 249,250, 1868. Approved July 27, 1868.

UNITED STATES also recognized that "any declaration, instruction, opinion, order, or decision of any officers of this government which denies, restricts, impairs, or questions the right of expatriation, is hereby declared inconsistent with the fundamental principles of this government."[11] Furthermore, the supreme court of the UNITED STATES also recognized one's "right to forswear allegiance and expatriate oneself."[12]

I, Donald Eugene White, am a natural born "man" and Arkansas state Citizen, born on the soil of Iowa state (Republic) in the year of our Lord, One Thousand Nine Hundred Thirty Seven (1937). I am currently recognized by the *de facto*[13] UNITED STATES[14] as a citizen[15] of the UNITED STATES. Based upon my natural right to forswear allegiance and expatriate, I, Donald Eugene White, in the Names of: Almighty God, Natural Law, Common Law, the Declaration of Independence and The Law of Nations, do solemnly say, publish and make this Declaration of True Citizenship and Non-juristic Status, of right [both unalienable and remedial], hereinafter referred to as

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[11] Ibid.

[12] Committee for Industrial Organization v. Hague, 25 F. Supp. 127, 141 (DCNJ).

[13] "This phrase is used to characterize an officer, a government, a past action, or a state of affairs which must be accepted for all practical purposes, but is illegal or illegitimate." Black's Law Dictionary 5th Edition.

[14] Throughout this Declaration, the use of "UNITED STATES" (note CASE) (not including direct quotes) means the de facto [foreign jurisdiction] UNITED STATES government; a legislative democracy and a municipal corporation of the District of Columbia.

[15] The use of "citizen" throughout this Declaration (with the exception of direct quotes) means the encumbered fictional person who is a member (citizen) of the de facto UNITED STATES.

Declaration, and expatriate[16] *in personam*[17] and in res[18] from the *de facto* UNITED STATES,[19] and repatriate[20] *in personam* and *in res*, and return, *in toto*, a fully competent and unencumbered sovereign[21] state Citizen to the *de jure* Arkansas state (Republic) and subsequently to the *de jure* united States of America (Republic of the freely associated united States), only as each respectively submit to and adhere to the limitations of their respective powers as set forth in their respective organic Constitutions, and as guaranteed by Article IV, Section 4 of the Constitution for the United States[22] and Amendments I through X [hereinafter referred to as "the Constitution"]

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[16] The use of "Expatriate/Repatriate" is for the purpose of clarity. Technically speaking, I do not need to "Expatriate/Repatriate" since the contracts which allegedly converted me into a U.S. citizen are voided ab initio by this Declaration and therefore, I never was a U.S. federal citizen and only an American Citizen/National (state Citizen).

[17] [Latin "against a person"] "Action seeking judgment against a person involving his personal rights and based on jurisdiction of his person, as distinguished from a judgment against property." Black's Law Dictionary, 5th Edition.

[18] [Latin "Thing"] "A technical term used to designate proceedings or actions instituted against the thing . . . " Black's Law Dictionary, 5th Edition.

[19] The Incorporation of District of Columbia by Act of Congress February 21, 1871, under the Emergency War Powers Act and the Reconstruction Acts.

[20] Ibid. 16.

[21] That is, a part of the collective sovereignty called "We the People" and not a king or queen individually.

[22] The use of "United States or united States of America" (note Case) in this Declaration (not including direct quotes) means the de jure United States of America (Republic) which ceased to exist when the "Civil War" started.

Any and all political affiliations, connections, alleged contractual obligations or indentures, implied by operation of law, statute, custom, usage, regulation, hidden contracts, unpublished legal theories, or otherwise in trust with said legislative democracy are hereby DECLARED NULL AND VOID, and vitiated nunc pro tunc,[23] for fraud (as detailed below), this Twelfth day of March, in the year of our Lord, Two Thousand Four (2004).

I further declare and detail below the causes which provoked me to this *Declaration* as follows:

2 HISTORICAL BACKGROUND

The Introduction to *Senate Report 93-549 (93rd Congress, 1st Session, 1973)*[24] summarizes the situation in America very well:

> *"A majority of the people of the United States have lived all of their lives under emergency rule.. And, in the United States, actions taken by the Government in times of great crises have – from, at least, the Civil War – in important ways, shaped the present phenomenon of a permanent state of national emergency."*

When the Southern states walked out of Congress on March 27, 1861 (around the beginning of the "Civil war," the quorum to conduct business under the Constitution for

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[23] "Latin 'Now for then' A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect, i.e., with the same effect as if regularly done." Black's Law Dictionary 5th Edition.

[24] The entire text can be found at http://www.freedomsite.net/93-549.htm.

the United States was lost. Thus, the only votes that Congress could lawfully take, under Parliamentary Law, were those to set the time to reconvene, take a vote to get a quorum, and vote to adjourn and set a date, time, and place to reconvene at a later time. But instead, Congress apparently abandoned the House and Senate without setting a date to reconvene. Under the parliamentary law of Congress, when this happened, Congress became *sine die* (literally "without day"). When Congress adjourned *sine die*, it ceased to exist as a lawful deliberative body, and thus the only lawful, constitutional power that could declare war was no longer lawful, or in session.

The Southern states, by virtue of their secession from the Union, also ceased to exist *sine die*, and some state legislatures in the Northern bloc also adjourned *sine die*. Thus, all the states which were parties to creating the Constitution for the united States of America apparently ceased to exist. On April 15, 1861, President Lincoln executed the first executive order; the **Lincoln Executive Proclamation 1**.[25] Since that time, the President under executive powers has ruled these united States of America. When Congress eventually did reconvene, it was reconvened under the military authority of the Commander-in-Chief and not by Rules of Order for Parliamentary bodies or by Constitutional Law, thus placing the American people under martial rule ever since the first national emergency declared by President Lincoln.

Thus, the Constitution for the united States of America had subsequently temporarily ceased being the

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[25] The entire text can be found at http://www.historyplace.com/lincoln/proc-1.htm.

acknowledged law of the land in many courts, and the President, Congress, and the courts have unlawfully presumed that they were free to remake the nation in a new image, whereas, lawfully, no constitutional provisions were in place which afforded power to any of the actions which were taken which presumed to place the nation under the new form of control.

President Lincoln apparently knew that his executive orders no longer had any force under Constitutional Law, and thus he commissioned **General Orders No. 100 (April 24, 1863)**[26] apparently as a special code to govern his actions under martial law and to justify the seizure of power, which further extended the laws of the District of Columbia and which also fictionally implemented the provisions of **Article I, Section 8, Clauses 17-18**[27] of the Constitution beyond the boundaries of Washington, D.C. and into the freely associated united States. **General Orders No. 100**, also called the **Lieber Instructions** and the **Lieber Code**, have apparently extended The Laws of War and International Law onto American soil, and the UNITED STATES government has become the presumed military conqueror of the Sovereign People (state Citizens) of the freely associated united States since the beginning of the Civil War.

Martial rule has been kept secret (see Section 3.3.2) and has never ended. Lincoln was assassinated before he

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[26] The entire text can be found at http://www.tufts.edu/departments/fletcher/multi/texts/historical/LIEBER-CODE.txt.

[27] The entire text can be found at http://www.universalway.org/constitution.html.

could complete the implementation of his plan to constitutionally and not militarily reform the Southern governments and restore the *de jure* national Congress. These united States of America have apparently been ruled ever since under Military Law by the Commander in Chief of that military – the President – under his assumed executive powers and according to the policies of his issued executive orders. Constitutional law under the original Constitution for the United States of America and the Bill of Rights is apparently enforced only as a matter of keeping the public peace under the provisions of **General Orders No. 100** under martial rule. And under Martial Law, title is a mere fiction, since all property belongs to the military except for that property which the Commander-in-Chief may, in his benevolence, exempt from taxation and seizure and upon which he allows the "enemy" to reside.

Since President Lincoln was assassinated before he could complete his plans for reinstituting constitutional government and ending martial law rule by executive order, **the 14th Amendment**[28] to the Constitution has further complicated matters by creating a new citizenship status for the expanded jurisdiction (see Section 3.1.1). Laws for the District of Columbia were proposed and passed by Congress in 1871, the District of Columbia was incorporated in 1872, and all states in the Union were apparently reformed as Franchisees [or instrumentalities] of the Federal Corporation in a way that a new level of union of the UNITED STATES was created. The key to

[28] The entire text can be found at http://www.universalway.org/billofrights.html.

when the STATES became Franchisees [or instrumentalities] of the UNITED STATES is apparently related to the date when such STATES enacted the Field Code into law. The Field Code was a codification of aspects of the common law that was adopted first by the State of New York[29] and then by the State of California in 1872, and shortly afterwards the **Lieber Code** was used to bring the UNITED STATES into the 1874 Brussels Conference and into the Hague Conventions of 1899 and 1907.

In 1917, the Trading with the Enemy Act[30] was passed which defined, regulated, and punished trading with enemies, who were then required by that act to be "licensed" by the government to do business. The National Banking System Act (Public Law 73-1, 73rd Congress, Session I, Chapter 1, March 9, 1933), Executive Proclamation 2038 (March 6, 1933), Executive Proclamation 2039 (March 9, 1933), and Executive Orders 6073, 6102, 6111 and 6260 show that, in 1933, the UNITED STATES which was formed under the executive privilege of the original martial rule went bankrupt, and a new state of national emergency was declared under which Citizens of the united States of America were, for the first time, identified as the "enemy" of the UNITED STATES and of the banking system as per the provisions of the Trading with the Enemy Act. The common law legal system upon which the Constitution was based was essentially nullified in 1938

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[29] It appears that "State of" or "STATE" refers to one of the de facto [federal corporate sub-entity] STATES (e.g., State of New York or NEW YORK). Throughout this Declaration (with the exception of direct quotes) "State of" or "STATE" refers to the de facto STATE; a sub entity of the UNITED STATES and NOT the de jure (Republic) state.

[30] The entire text can be found at http://www.apfn.org/apfn/1933.htm.

through the Supreme Court decision in the case of Erie Railroad Co. v. Tompkins, 304 US 64, 82 L.Ed. 1188, and in 1945 the UNITED STATES gave up additional remaining national sovereignty when it signed the United Nations Treaty Charter, making "UNITED STATES citizens" subject to United Nations jurisdiction.

Arguments that suggest that the Treaty of Paris of 1783[31] was not a lawful or legal treaty of peace between warring nations and that the American Colonies never really attained or obtained lawful or legal sovereignty, must also presume, by their own argument, that the Constitution for the united States of America and the Bill of Rights were never organic documents of true lawful or legal standing.

The conclusion that can be made from all of the information available is that the Constitution for the united States of America and the Bill of Rights are no longer in effect in their original or present form or where they conflict with the United Nations Treaty and other international treaties and/or agreements. Citizens of the sovereign freely associated united States who were previously sovereigns protected by the common law are now apparently "citizens of the UNITED STATES" and are thus apparently subject to International Admiralty jurisdiction. The UNITED STATES is presently under several different states of emergency with Admiralty/Military Law being the prevailing legal system.[32]

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[31] The entire text can be found at http://www.yale.edu/lawweb/avalon/diplomacy/britian/paris.htm.

[32] see http://www.universalway.org/majorpremise.html.

3 U. S. FEDERAL GOVERNMENT CONSIDERATIONS

Included in this Section are those issues within the UNITED STATES Federal Government relative to my freedom which have provoked me to make this *Declaration.*

3.1 Legislative Department Considerations

Relative to the UNITED STATES federal government and more specifically within the Legislative

Department of said government, I include in this subsection issues relative to my freedom which have provoked me to make this Declaration.

3.1.1 14th Amendment citizenship

Since President Lincoln was assassinated before he could complete his plans for reinstituting constitutional government and ending martial law rule by executive order (as stated previously), the 14th Amendment[33] to the Constitution has further complicated matters by creating a new citizenship status for the expanded jurisdiction of the UNITED STATES and the Laws for the District of Columbia.

It states, "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the freely associated united States." This clause guarantees the Citizens of each State the same rights as every other Citizen in every other State. The concept of Citizenship in

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[33] The entire text can be found at http://www.universalway.org/billofrights.html.

the United States was originally quite different than it is commonly held today. Article IV, Section 2 of the Constitution deals with the privileges and immunities of Citizens of the United States.

The following quotations from court rulings and political speeches demonstrate and illustrate this kind of citizenship.

> *"A citizen of one state is to be considered as a citizen of every other state in the union."*[34]

> *"A citizen of any one of the States of the Union, is held to be, and called a citizen of the United States, although technically and abstractly there is no such thing. To conceive a citizen of the United States who is not a citizen of some one of the States, is totally foreign to the idea, and inconsistent with the proper construction and common understanding of the expression as used in the Constitution, which must be deduced from its various other provisions."(Emphasis added)*[35]

> *"The Senator from Delaware (Mr. Clayton), as well as others, has relied with great emphasis on the fact that we are citizens of the United States. I do not object to the expression, nor shall I detract from the proud and elevated feelings with which it is associated; but I trust that I may be permitted to raise the inquiry. In what manner are we citizens of the United States? Without weakening the patriotic feeling with which, I trust, it will ever be uttered. If by citizen of the United States*

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[34] Butler v. Farnsworth, Federal Cases, Vol. 4, pg. 902 (1821).

[35] Ex parte. – Frank Knowles, California Reports, Vol. 5, pg. 302 (1855).

he means a citizen at large, one whose citizenship extends to the entire geographical limits of the country, without having a local citizenship in some State or territory, a sort of citizen of the world, all I have to say is, that such a citizen would be a perfect nondescript; that not a single individual of this description can be found in the entire mass of our population. Notwithstanding all the pomp and display of eloquence on the occasion, every citizen is a citizen of some State or territory, and, as such, under an express provision of the constitution, is entitled to all privileges and immunities of citizens in the several States; and it is in this, and in no other sense, that we are citizens of the United States."[36]

From these quotations, the following summary may be drawn regarding the original concept of citizenship in this nation:

1. Natural born individuals were Citizens in the State in which they were born.

2. Due to the equality clause of the Constitution, if an individual is a Citizen in one state, then he also is to be treated as a Citizen would be treated in any of the other freely associated united States.

3. There was no such thing as being a citizen of the entire nation. This concept was totally foreign to the founders.

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[36] Speech by Senator John C. Calhoun of South Carolina on the Force Bill, February 16, 1833, reprinted in "Union and Liberty, The Political Philosophy of John C. Calhoun," edited by Ross M. Lence, Liberty Fund, 1992, pp. 443-4.

4. The rights of being a Citizen of the United States are concisely outlined in The Declaration of Independence:

> *"We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."*[37]

The phrase "unalienable[38] Rights" is recognition of rights which were bestowed upon us by our Creator and cannot be taken away from us except by God or "due process of law." The implication of these rights is that they are not granted by any governing body or government and therefore, these rights cannot be taken away by any governing body or government, except by "due process of law"[39] based on cases wherein one has damaged or has committed a trespass upon another man's person[40], property or rights.

In the period following the Civil War, the Congress of UNITED STATES passed – and the freely associated united States ratified – the 14th Amendment to the Constitution (although there is serious doubt as to its having been properly adopted as required by the Constitution).[41] This amendment recognizes the "privileges and

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[37] Declaration of Independence, paragraph 2.

[38] " . . . incapable of being aliened, that is, sold and transferred. Inalienable rights. Rights which can never be abridged because they are so fundamental." Black's Law Dictionary, 5th Edition.

[39] U.S. Constitution, Amendment V.

[40] The use of the word person, persona, throughout this declaration (with the exception of quotations) means the real live man (Female).

[41] There is considerable evidence that the passing of the 14th Amendment is suspect. However, for this Declaration, we will consider

(Continued on following page)

immunities of citizens of the United States." Subsequent court rulings have recognized that the 14th Amendment created a second class of citizenship.[42]

> *"We have in our political system a government of the United States and a government of each of the several states. Each one of these governments is distinct from the others, and each has citizens of its own who owe it allegiance, and whose rights, within its jurisdiction, it must protect. The same person may be at the same time a citizen of the United States and a citizen of a state, but his rights of citizenship under one of these governments will be different from those he has under the other."*[43] *(Emphasis added)*
>
> *"It is quite clear, then, that there is a citizenship of the United States and a citizenship of a state, which are distinct from each other and which depend upon different characteristics or circumstances in the individual."*[44]
>
> *"That there is a citizenship of the United States and a citizenship of a state, and the privileges and immunities of one are not the same as the other is well established by the decisions of the courts of this country. The*

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it properly enacted. For a more detailed explanation of this issue, see Dyett v. Turner, 439 P2d 266, @ 269, 20 U2d 403 [1968] and the House Congressional Record of June 13, 1967, pg. 15641.

[42] Up until the passing of the 14th Amendment, the word Citizen was uniformly capitalized and after the 14th Amendment was passed, the word citizen has been consistently not capitalized.

[43] United States v. Cruikshank, 92 U.S. 542 (1875).

[44] Slaughter House Cases, 83 U.S. 36, 16 Wall. 36; 21 L.Ed. 394 (1873).

> *leading cases upon the subjects are those decided by the Supreme Court of the United States and reported in 16 Wall. 36, 21 L. Ed. 394, and known as the Slaughter House Cases."*[45]

> *"Both before and after the Fourteenth Amendment to the federal Constitution, it has not been necessary for a person to be a citizen of the United States in order to be a citizen of his state."*[46]

The "immunities and privileges" of a 14th Amendment UNITED STATES citizen are different from the "rights" of a State Citizen.

> *"Privileges and immunities clause of the Fourteenth Amendment protects only those rights peculiar to being [a] citizen of [the] federal government; it does not protect those rights which relate to state citizenship."*[47] *(Emphasis added)*

> *"Citizenship is a political status, and may be defined as a privilege limited by Congress."*[48]

The last case cited makes it very clear that the "immunities and privileges" of a UNITED STATES federal citizen may be regulated by the Federal government. The following cases cited make it clear that a federal citizen

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[45] K. Tashiro v. Jordan, 256 pp. 545, 549 (1927); affirmed 278 U.S. 123 (1928).

[46] Crosse v. Board of Supervisors of Elections, 221 A. 2d 433.

[47] Jones v. Temmer, Federal Supplement, Vol. 829, pg. 1227 (1993).

[48] Ex Parte (NG) Fung Sing, Federal Reporter, 2nd Series, Vol. 6, pg. 670 (1925).

does not enjoy the protection of the Bill of Rights, and that the rights of the federal citizen are specific and limited.

> *"We have cited these cases for the purpose of showing that the privileges and immunities of citizens of the United States do not necessarily include all the rights protected by the first eight amendments to the Federal Constitution against the powers of the Federal government. They were decided subsequently to the adoption of the Fourteenth Amendment . . . "*[49]
>
> *"Privileges and immunities of citizens of the United States, on the other hand, are only such as arise out of the nature and essential character of the national government, or are specifically granted or secured to all citizens or persons by the Constitution for the United States." Slaughter-House Cases, supra, p.79; Re Kemmler, 136 U.S. 436, 448, 34 L.ed. 519, 524, 10 Sup.Ct.Rep. 930; Duncan v. Missouri, 152 U.S. 377, 382, 38 L.ed. 485, 487, 14 Sup.Ct.Rep. 570. Thus, among the rights and privileges of national citizenship recognized by this court are the right to pass freely from state to state (Crandall v. Nevada, 6 Wall. 35, 18 L.ed. 75); the right to petition Congress for a redress of grievances (United States v. Cruikshank, supra); the right to vote for national officers (Ex parte Yarbrough, 110 U.S. 651, 28 L.ed. 274, 4 Sup.Ct.Rep. 152; Wiley v. Sinkler, 179 U.S. 58, 45 L.ed. 84, 21 Sup.Ct. Rep. 17); the right to be protected against violence while in the*

[49] Maxwell v. Dow, 176 US 598 (1900).

> *lawful custody of a United States Marshall (Logan v. United States, 144 U.S. 263, 36 L.ed. 429, 12 Sup.Ct. Rep. 617); and the right to inform the United States authorities of violation of its laws (Re Quark, 158 U.S. 532, 39 L.ed. 1080, 15 Sup.Ct.Rep. 959).*[60]

Attorney General Edward Bates, who held the same office at the time the UNITED STATES Congress passed the 14th Amendment, issued an opinion that is relevant to the amendment. He recognized that the Congress had given citizens the right to expatriate. Part of his opinion is quoted below.

> *". . . our Constitution, in speaking of natural born citizens, uses no affirmative language to make them such, but only recognizes and reaffirms the universal Principle, common to all nations, and as old as political society, that the people born in a country do constitute the nation, and, as individuals, are natural members of the body politic.*
>
> *"If this be a true Principle, and I do not doubt it, it follows that every person born in the Country is, at the moment of birth, prima facie a Citizen; and he who would deny it must take upon himself the burden of proving some great disenfranchisement strong enough to override the "natural born" right as recognized by the Constitution in terms the most simple and comprehensive, and without any reference to race or color, or other accidental circumstance.*

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[60] Twining v. New Jersey, 211 US 78 (1908).

> *"That nativity furnishes the rule, both of duty and of right, as between the individual and the Government, is a historical and political truth so old and so universally accepted that it is needless to prove it by authority . . .*
>
> *"In every civilized Country, the individual is born to duties and rights, the duty of allegiance and the right to protection; and these are correlative obligations, the one the price of the other, and they constitute the all-sufficient bond of union between individual and his Country; and the Country he is born in is, prima facie, his Country. In most countries the old law was broadly laid down that this natural connection between the individual and his native country was perpetual; at least, that the tie was indissoluble by the act of the subject alone . . . "*
>
> *"But that law of the perpetuity of allegiance is now changed . . . "*[51]

The fact that my birth in the Iowa state (Republic) is taken as prima facie evidence of my alleged UNITED STATES citizenship is very significant to the actions I take in this *Declaration*. Prima facie evidence is that which is "a fact presumed to be true unless disproved by some evidence to the contrary."[52] This Declaration of True Citizenship and Non-juristic Status rebuts and refutes the

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[51] Edward Bates, United States Attorney General, 10 Opinions of the Attorney General, pp. 382 to 394, W.H. & O.H. Morrison, Washington (1868).

[52] [Latin "At first sight"] Black's Law Dictionary, 5th Edition.

prima facie evidence of my alleged UNITED STATES citizenship.

The federal courts rarely have ruled on what draws an individual into the status of citizen of the UNITED STATES. However, there is one case which indicates that I have been drawn into this status by at least two [and possibly more] hidden contracts. It was declared, by the Department of Justice, and concurred with by a UNITED STATES District [merchant] judge, that: "He pays Social Security, he uses the U.S. Postal Service, therefore, Mr. Cooper is a citizen of the UNITED STATES."[53] This change of a Citizen's status was evidently accomplished through the payment of Social Security Insurance taxes and the use of the U.S. Postal Service. These specific hidden contracts will be addressed separately below (see Sections 3.1.2 and 3.2.1. respectively).

Section 4 of the 14th Amendment contains a curious clause that indicates the underlying motives for creating a new class of citizen. It says, in part, " . . . the validity of the public debt of the United States . . . shall not be questioned." Given the court's actions in the Cooper case, cited above, it is apparent that there is intent to bind UNITED STATES citizens into a co-surety obligation with the UNITED STATES federal debt.

Because of this second class citizenship status, I have suffered repeated injuries from federal agents, of both the UNITED STATES and its franchisees the STATE OF ARKANSAS and STATE OF IOWA. My alleged citizenship

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[53] United States of America v. Austin Gary Cooper, 89-109-Cr-Hoeveler; DCSFl, (1990) and concurred with by) the 11th Circuit Court of Appeals, United States of America v. Austin Gary Cooper, 90-5597.

of the UNITED STATES has allowed public servants to threaten me with incarceration, extort moneys from me; conspire with other public servants against me; commit fraud against me; fraudulently breach contracts; persuade others to steal my property; violate my right to privacy (to be secure in my person and effects as guaranteed by the Constitution); and commit numerous other crimes against my person. In addition, my God-given alienable/substantive Rights have been denied me through conversion to licensed privileges [e.g., earn a livelihood in any lawful manner I choose, freely travel on the public rights-of-way, marry the individual of my choosing, and own real property such as land, homes and automobiles]. To date, I have suffered irreparable injury to my Rights to Life, Liberty and the Pursuit of Happiness in direct violation of the Constitution.

By way of this *Declaration*, I generally reject and expatriate from any alleged status of "citizen of the United States" (UNITED STATES federal citizen) for the following reasons:

1. *Undue Influence* – The (compulsory) public education system in the STATES is federally funded by the UNITED STATES and said regulations coerced my parents into enrolling me and, thereafter, requiring me to attend public schools. While attending these public schools, adult teachers, who were certified [licensed] by the government, indoctrinated me into serving the federal corporation.

I was trained to believe that I was a citizen of the UNITED STATES and subsequently I proclaimed a status of citizen of the

UNITED STATES; there being no other status/option presented to me. By this proclamation I unwittingly allowed myself to be disconnected from my birthright American Citizen/National (state Citizen) status subject only to the Common Law, being thereby manipulated and tricked into contracting and acquiescing to become a "subject" under the UNITED STATES Federal jurisdiction.[54]

2. *Reliance Upon False or Incomplete (undisclosed) Information* – The aforementioned group of adult professionals directed me toward a contractual status called citizen of the UNITED STATES and away from my natural state Citizen status. While I was an impressionable youth, adult teachers, who were certified [licensed] by the government, acted as federal agents and misrepresented these material facts to me (fraud). Because I was so misled and I relied upon and acted upon their instructions, I have suffered injuries to my (natural) Person, Property and Rights.

3. *Fraud (constructive and actual)* – Fraud has been committed against my natural Person by the UNITED STATES federal government through their agents [licensed teachers in federally funded schools] when they led me to believe that I was a citizen of the UNITED STATES and they failed to inform me of my natural born Right to state Citizenship. These same federal agents concealed the fact that there were actually two

[54] Amendment Fourteen, Sections 1 and 4 of the Constitution.

forms of citizenship available to me and that individuals have a choice as to which type of citizenship they wish to claim. These federal agents also failed to reveal to me the consequences of claiming UNITED STATES citizenship over state Citizenship.

4. *Duress* – There were times when I was required to claim to be a citizen of the UNITED STATES because there was no other option offered to me. In many instances, to deny UNITED STATES citizenship would associate and categorize me with those who were foreigners to the freely associated united States upon which soil I was born. Out of fear of losing my inherent unalienable Rights and being treated as a foreigner, I claimed UNITED STATES citizenship "without prejudice" to retain some semblance of my unalienable Rights. In other words, I did not want to have what rights I did have trespassed upon just because an uninformed public servant might not understand the superior standing of state Citizens over UNITED STATES citizens.

3.1.2 Social Security Insurance (SSI)

A federal court has ruled that paying into the Social Security "Insurance" system through the use of a Social Security Number (SSN) **XXX-XX-9355**[55] has placed me in a

[55] When referring to the SSN, said reference include, but are not limited to, all other type numbers which are known as TIN, EIN, etc. Any co surety which is created by the use of any other number which I have obtain and which one is compelled to obtain in order to live and do

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hidden contract with the UNITED STATES. This contract is said to obligate me to the federal debt and allegedly requires me to pay federal income taxes.

Although few are aware of it, the Social Security is, in fact, a voluntary insurance program created by the Federal government. This is evidenced by the following facts:

1. The United States Supreme Court has ruled that Congress has limited authority to legislate compulsory subjugation to social programs within the freely associated (50) united States.

> *"The catalogue of means and actions which might be imposed upon an employer in any business, tending to the satisfaction and comfort of his employees, seems endless. Provision for free medical attendance, nursing, clothing, food, housing, and education of children, and a hundred other matters might with equal propriety be proposed as tending to relieve the employee of mental strain and worry. Can it fairly be said that the power of Congress to regulate interstate commerce extends to the prescription of any or all of these things? Is it not apparent that they are really, and essentially related solely to the social welfare of the worker, and therefore remote from any regulation of commerce as such? We think the answer is plain. These*

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business as a partnership or a sole proprietor (earn a living in a lawful profession) in this society is also vitiated and void for fraud.

matters obviously lie outside the orbit of congressional power."[56]

2. A SSN Application connotes exclusivity of membership or participation. No government official yet has dared to explain how an application can be anything other than a voluntary act. It is apparent that if the registration into, and the subsequent coverage and subjugation under, the Social Security Act were mandatory, the law would provide for the assignment of numbers to all.[57]

3. Many people are led to believe that their "employment" means their employer must withhold Social Security deductions from their "wages" because of their status as an "employee." The act defines "employee" as "you must be an employee for your work to be covered as employment for social security purposes."[58] "Employment" is defined as "any service *covered* by social security performed by an employee . . . "[59] The "term 'wages' means remuneration paid to *you* as an *employee* for *employment* unless specifically excluded."

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[56] Railroad Retirement Board v. Alton Railroad Co., 295 U.S. 330, 55 S. Ct. 758 (1935).

[57] New parents are routinely told by hospital staff that they must fill out an application for a Birth Certificate and an application for a SSN before they leave the hospital with their newborn. Hospitals make every effort to get these applications because the hospital receives up to $4,000 when they deliver a birth certificate and SSN to the STATE for a newborn.

[58] 20 CFR § 404.1005.

[59] 20 CFR § 404.1003.

Another section of the code defines "you" and "your" as those who are "under social security."[60] It is evident, from this series of definitions, that only those "under social security" are covered by the system and subject to its regulations. We see from the point above that one becomes covered by the system when one applies. Therefore the system is voluntary for state Citizens.

The fact that I applied for a SSN and paid into the Social Security system cannot be used against me as evidence of my entry into a hidden contract for UNITED STATES citizenship for the following reasons:

1. *Undue Influence* – While I was an impressionable youth, my parents were informed by school officials (acting as government agents) that I could not get a job unless I agreed to the contract and obtained a SSN. Later, my parents were told they could not use me as a tax deduction on their federal income tax unless I had a SSN. My parents, while deceived about the true nature of SSI and the Federal Income Tax, exerted undue influence upon me during my impressionable years, to apply for and receive a SSN and to pay into the Social Security system.

2. *Fraud (constructive and actual)* – UNITED STATES Federal and STATE agents did not inform me that in order to protect my natural-born unalienable Rights, I would have to execute the Social Security contract "without prejudice" or "under protest" *(Uniform Commercial Code § 1-207; D.C. Code § 28:1-207; Tenn C § 47-1-207* and its comparable statues adopted into codes of each

[60] 20 CFR § 404.1002.

of the 50 STATES). I was taught to believe that Social Security withholdings were "required by law." I was NOT taught that applying for a SSN and paying into the Social Security system (a consideration for which I was paying a consideration) would bind me into a co-surety obligation with the federal corporation [debtor] and the Federal Reserve (FED) [creditor]. Government agents did not make information on these subjects available to me and this information cannot be found in public schools and public libraries. The Social Security system also was misrepresented to me as "insurance" (SSI and Federal Insurance Contributions Act [FICA]) rather than as "welfare" which was confirmed as such by the supreme tribunal/court in 1960.[61]

3. *Coercion* – I was coerced into the SSI contract by and through the deception of federal agents [employers who wanted to withhold wages to pay Social Security taxes], who (relying on opinions from their attorneys or because of fear of the IRS) informed me that I could not have a job (earn a living) without first agreeing to the SSN contract.

4. *Deception* – I am coerced into using the SSN (**XXX-XX-9355**) because I have been told repeatedly by employers, their attorneys and the IRS, that to earn a livelihood and to function in this society, I am required to have a SSN.

ACTUAL NOTICE is hereby served that any use I might make of the SSN is done "without prejudice" and

[61] Helvering v. Davis, 301 U.S. 619, 81 L.Ed. 1307, 57 S.Ct. 904; Flemming v. Nestor, 363 U.S. 603, 4 L.Ed.2d 1435, 80 S.Ct. 1367 (1960).

said use does not grant the UNITED STATES or STATE governments the authority to assume that funds can be taken from me in order to bind me to a contract of citizen of the UNITED STATES. Thus, my unalienable Rights are not prejudiced.

The UNITED STATES government has the option to either return the Social Security payments which were fraudulently confiscated from my compensation in prior years (with interest), or said money shall be paid to me in monthly payments when I reach 62 or 65 as per the initial SSI/FICA (insurance) agreement as annuity payments. Failure to refund said moneys (or to request additional time to make said refund) within the time frame and in accordance with the conditions for responding to this Declaration, constitutes your agreement to pay me the SSI/FICA consideration, upon my retirement, in the form of annuity payments in accordance with the normal Social Security Administration's Guidelines for payment.

3.2 Executive Department Considerations

Relative to the UNITED STATES federal government and more specifically within the Executive Department of said government, I include in this sub-section issues relative to my freedom which have provoked me to this *Declaration*.

3.2.1 Use of U.S. Postal Service (USPS)

The Constitution, under Article I, section 8, clauses 1 and 7, states: "The Congress shall have the Power . . . to Establish Post Offices and post Roads." Around July 1971, the United States Post Offices (USPO) were converted to

the USPS, a UNITED STATES person [corporation]. I have not been able to find any published information that declares that using the USPOs, now the USPS constitutes a "voluntary acceptance" of a co-surety obligation of the federal corporation. My understanding always has been that I was using the Post Offices provided for in the Constitution, since the Post Office buildings that I have entered have all displayed the words: "United States Post Office" somewhere on their exterior. Unless I receive hardcopy evidence to the contrary and I am offered an alternative service consistent with the Constitution within the time frame and in accordance with the conditions for responding to this *Declaration*, I will use the services of the USPS (a.k.a., United States Post Office) as a legitimate constitutional entity, lawfully serving the needs of Citizens in the Republic, as well as citizens of the UNITED STATES without abridging my unalienable Rights in any way.

The fact that I have used and still use the USPS cannot be used against me as evidence of my entry into a hidden contract for UNITED STATES citizenship for the following reasons:

1. *Undue Influence and Lack of Full Disclosure* – While I was an impressionable youth, I attended public [government sponsored] schools and government agents [licensed teachers] taught me how to properly write and address letters (to fulfill our "civic duty") by making our opinions known to elected representatives, editors of publications, etc. Instructions from said agents stipulated a proper format which included the UNITED STATES Federal Postal Districts with 2 letter [corporate sub-entity] STATE Codes [i.e., OR, CA, etc.] and UNITED STATES Federal Zip

Codes. At no time during this process was I ever told that use of the USPS with the 2 letter federal STATE Codes and Zip Codes, without reserving my natural unalienable Rights, would bind me to a co-surety obligation of the federal corporate debt. Such failure represents lack of full disclosure and undue influence on my young and impressionable mind.

2. *Fraud (constructive and actual)* – The federal government in good faith has never published the fact that one's use of the USPS would bind a natural person into a co-surety obligation of the federal corporate debt. Further, the UNITED STATES federal government in good faith has not published the fact that a specific reservation of one's Rights [writing the language "without prejudice," "under protest," or the like[62] above the postal address] could be used to reserve one's rights. Without said announcement this is evidence of either constructive or actual fraud on the part of federal government agents.

3. *Necessity* – In our modern and complex society, I often find myself conducting my private affairs with people in distant locations. It is unreasonable to expect that all such interactions could be done in person without causing me unbearable economic hardship. Therefore much of this distant interaction is done using the mail. After the Civil War, Congress passed the Private Express statutes which made it illegal for any company to compete with the USPO. These statutes are still in effect today.[63] Therefore, the only legal method

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[62] see private law – Uniform Commercial Code § 1-207; D.C. Code § 28:1-207; AR C § 4-1-207.

[63] See 38 USC 38 §§ 601-608 and USC 18 §§ 1693-1699.

of sending "letters" is through the USPO. In recent times, other means of delivery for "packages" have been permitted through private carriers and courier services. However, these means of delivery are not within the economic means of the average individual. Therefore, the USPO [a.k.a., the U.S. Postal Service] remains the only legal and affordable alternative and therefore I must use this service out of necessity.

4. *Constitutionally guaranteed service* – The Constitution makes provisions for the United States "Post Office and post Roads[64]". Therefore, any further use I might make of this service is done "without prejudice" as a constitutionally-guaranteed legitimate function of the federal government. Implied in this service is the right to use said service without abridging my unalienable Rights in any way.

3.2.2 Bank Accounts

The use of a bank account is within the normal mode of conducting an individual's private financial affairs in our society. However, it has recently come to my attention that having a bank account with a federally insured [FDIC or FSLIC] institution could be used to bind me in a hidden contract with the federal government. It is a long held doctrine that National Banks are an instrumentality of the federal government.

"National banks are instrumentalities of the Federal Government, created for a public purpose,

[64] Art. I, Section 8, Clauses 7, Constitution for the United States.

and as such necessarily [are] subject to the paramount authority of the United States."[65]

It has been further ruled that the Federal Reserve Bank is an instrumentality but ONLY for the purposes of STATE taxation[66]

The statutes recognize – and *the instrumentality* rule states – that the "corporate existence will be disregarded where a corporation (subsidiary) is so organized and controlled and its affairs so conducted as to make it only an adjunct and instrumentality of another corporation (parent corporation) . . . "[67] Under the *instrumentality rule*, it can be argued that the local bank as a Person [corporation] and as a legal entity fades into insignificance as if it were transparent, and the government then appears as the real entity with which one enters into the commercial agreements. However, since the Banks are regulated by the FED, and the FED itself is a private entity which can sue and be sued, it is not considered *an instrumentality*.[68]

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[65] Davis v. Elmira Savings, 161 U.S. 275, at 283 (1896).

[66] Federal Reserve Banks are deemed to be federal instrumentalities for purposes of immunity from state taxation. Federal Reserve Bank of Boston v. Commissioner of Corporations & Taxation, 499 F.2d 60 (1st Cir. 1974), after remand, 520 F.2d 60 (1st Cir. 1975); Federal Reserve Bank of Minneapolis v. Register of Deeds, 288 Mich. 120, 284 N.W. 667 (1989).

[67] Black's Law Dictionary, 5th Edition.

[68] The Federal Reserve is a private bank (corporation) which was awarded central bank monopoly status and taxation immunity by Congress and yet it has never been audited since it was created. In fact, the bank is largely controlled by foreign interests. R. E. McMaster publisher of the newsletter The Reaper has discovered the following groups own the controlling interest in the Federal Reserve Bank: Rothschild Banks of London and Berlin, Lazard Brothers Bank of Paris, Israel Moses Sieff Banks of Italy, Warburg Bank of Hamburg and Amsterdam, Lehman Brothers Bank of New York, Kuhn Loeb Bank of

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Since the banks have not disclosed to me any application of the *instrumentality rule* to all banks, no contracts entered into with any Federal Reserve Bank and/or its member banks (including their affiliates such as stock brokerage houses, credit unions, insurance companies, and pension funds) can bind me into a co-surety obligation of the federal corporate debt.

Although having a SSN is not mandatory, I have had great difficulty opening a bank account without a SSN; a service which should be available to American Citizens/Nationals (state Citizens) without such requirement. According to *U.S.C. Title 42 § 405(c)(2)(B)(II),* the only individuals required to have a SSN are aliens residing in the UNITED STATES. A Citizen may "make application" for an SSN but it is not required by statute. Furthermore, the Privacy Act of 1974 *(5 USC § 552a)* only requires that the SSN be provided for certain purposes. Any other use is contrary to the law, including but not limited to, banks, creditors, hospitals, doctors, credit bureaus or any other private firm that wants to keep track of us. In spite of this, banks routinely demand a SSN before they will provide service (open a checking or savings account). This is a clear violation of the federal statutes. The collusion between the BAR Association (attorneys), the FED, and the UNITED STATES government is so complete, that bank attorneys routinely instruct their clients to disregard the UNITED STATES Federal Regulations and UNITED STATES Code and deny services to potential customers who do not have or refuse to include a SSN with their application.

New York, Chase Manhattan Bank of New York and Goldman Sachs Bank of New York.

5 U.S.C. § 408. – Penalties

(a) In general

Whoever –

(8) discloses, uses, or compels the disclosure of the social security number of any person in violation of the laws of the United States; shall be guilty of a felony and upon conviction thereof shall be fined under title 18 or imprisoned for not more than five years, or both.(Emphasis added)

This blatant disregard for UNITED STATES statutes makes it necessary for the state Citizen to initiate expensive litigation (which is often treated as frivolous) and to hire yet another attorney to file an action against the bank at the Citizen's expense – just to open a simple bank account!

The fact that I have used banks within the Federal Reserve Banks System cannot be used against me as evidence of my entry into a hidden contract to be a Joint Obligation Debtor for UNITED STATES debts for the following reasons:

1. *Undue influence* – While I was an impressionable youth, my parents, in an attempt to train me to be a responsible Citizen, encouraged me to open a bank account and save my money. Not being informed as to the possible consequences of opening said bank account, my parents encouraged me to open an account.

2. *Fraud* – Neither the federal government nor its agents [the FED or their member banks] in good faith have ever published for the general public the fact that use of the banking system binds any natural person into a co-surety obligation of the

federal corporate debt. Their willful failure to declare this information publicly has served to entrap me into a co-surety relationship that I would have otherwise avoided had there been full disclosure and these facts been made known to me.

3. *Necessity* – The only practical way to engage in commerce is to have and use a bank account. Therefore, my use of bank accounts is of necessity.

4. *Duress* – Avoiding criminal prosecution/ assault: – The UNITED STATES within the last few years has made it a crime (for the first time in the history of the world) to physically have large sums money. Further, it is not wise to carry a large amount of cash around on one's person. Were I to attempt to operate on a cash-only basis, at times I would feel a genuine concern for my safety; having so much cash in my home or on my person.

Therefore, out of fear of being assaulted and robbed, I have relied on bank accounts to engage in commerce in our society. Therefore, the use of bank accounts is necessary and compulsory to avoid the threat of prosecution and of compromising my personal safety and the safety of my loved ones.

This Formal Notice of Protest and Notice of Defect formally places the UNITED STATES federal and STATE governments on ACTUAL NOTICE that whatever use I may make of bank accounts or any financial institution's services is done "without prejudice." Without specific objection, this ACTUAL NOTICE removes any valid claim the government may make to my being obligated to the UNITED STATES Federal or STATE governments as a result of any hidden contracts associated with the use of bank accounts.

3.2.3 Use of The Federal Reserve Note (FRN)

A note is "an instrument containing an express and absolute promise of signer (i.e., maker) to pay a specified person, order, or bearer, a definite sum of money at a specified time."[69] In layman's terms, a note is a loan. According to UNITED STATES federal statutes, "Federal reserve notes ... shall be obligations of the United States."[70] This means that FRNs represent a debt obligation of the federal government to the Federal Reserve Bank. The federal government, through hidden contracts, has placed me in a position of Joint Obligation Debtor due to my alleged "voluntary" re-circulation of FRNs. Furthermore, the federal government believes the amount of my payment toward that debt should be measured by my net [alleged] taxable income. The federal government also views my other personal assets as collateral against the federal debt. Part of the entrapment by the government into this position of Joint Obligation Debtor supposedly occurs through my "voluntary" re-circulation of FRNs.

FRNs are legal (but not lawful[71]) tender in the UNITED STATES. "United States coins and currency including FRNs, and circulating notes of Federal Reserve

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[69] Black's Law Dictionary, 5th Edition.

[70] 12 USC 12 § 411.

[71] "The principal distinction between the terms 'lawful' and 'legal' is that the former contemplates the substance of law, the latter the form of the law. To say of an act that it is 'lawful' implies that it is done or performed in accordance with the forms and usages of law, or in a technical manner ... Further, the word 'lawful' more clearly implies an ethical content than does 'legal.' The latter goes no further than to denote compliance, with positive, technical, or formal rules; while the former usually imports a more substance or ethical permissibility." Black's Law Dictionary, 5th Edition.

banks and national banks) are legal tender for all debts, public charges, taxes, and dues. Foreign gold or silver coins are not legal tender for debts."[72] This means that FRNs are the only legal form of exchange (money) in the 50 States and the UNITED STATES.[73]

Under the Common Mercantile Law of Commercial Contract Law applicable to Negotiable Instruments, it always has been prima facie evidence that the mere issuance of the negotiable instrument (FRN) itself constitutes the evidence of the receipt and enjoyment of consideration to the recipient. For a valid [hidden or otherwise] contract to exist, consideration must exist.

As one who "voluntarily" re-circulates FRNs, I likewise could be considered by some to have received consideration.

Due to lack of disclosure on the part of the FED and the UNITED STATES government, I was unaware that I was able to object to my presumption of involvement in the federal debt by the use of FRNs. This has placed me in a position of presumed involvement through the ratification doctrine. When one person, as agent, does an act on behalf of another person, but without complete authority, the person for whom such act is done may afterwards adopt the act as if it is done in his behalf, thereby giving the act the same legal effect as if it had been originally fully authorized. This subsequent retroactive consent, the effect of which relates back to the time of the original act and places the Principal in the same position as if he had

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[72] 31 USC 31 § 5103.

[73] "Federal Reserve notes are the only kind of paper money issued today." Hats the Federal Reserve Wears, pg. 8.

originally authorized the act, is called RATIFICATION. When a person finds that an act has been done in his name or on his behalf, that person must either ratify it, or in the alternative, disaffirm it.

Silence also constitutes approval of the act.[74] The *Ratification doctrine*, as codified in the private law known as the Uniform Commercial Code (UCC),[75] holds that, under normal circumstances, one cannot withdraw their consent and make it retroactive. However, since this alleged Ratification was achieved through lack of full disclosure (fraud), any said Ratification is herein vitiated *ab initio*[76] for reasons specified below.

Further, the fact that I have re-circulated FRNs cannot be used against me as evidence of my entry into a hidden contract to be a Joint Obligation Debtor for UNITED STATES debts for the following reasons:

> 1. *Undue influence* – While I was an impressionable youth, I attended public [government sponsored] schools and [licensed teachers] taught me how to count money and make change, etc. This instruction was applied to the usage of UNITED STATES legal tender, which now includes FRNs. During this process I was never told that FRNs were unlawful and that using FRNs (currency printed by the U.S. Treasury) would bind me into a co-surety obligation of the federal corporate

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[74] Floyd Mechem, "The Effect of Ratification As Between The Principle And The Other Party", in 4 Michigan Law Review 269, at 269 (1905).

[75] See UCC §§ 2-202 and 2-610.

[76] "From the beginning; from the first act; from the inception." Black's Law Dictionary, 5th Edition.

debt. Such failure represents undue influence on my young and impressionable mind.

2. *Failure of Consideration* – This FORMAL and ACTUAL NOTICE of Protest and ACTUAL NOTICE of Defect places the UNITED STATES federal government on notice that any supposed benefits are void *ab initio* for the reason that there is no other currency provided to the Citizen in America today. This notice has removed any valid claim the government may make that the use of FRNs is a consideration.

3. *Fraud* – Neither the federal government nor its agents [the FED or their member banks] in good faith have ever published the fact that any use of the FRN binds any natural person into a co-surety obligation of the federal corporate debt. Their willful failure to declare the truth has served to entrap me into a co-surety relationship that otherwise I could have avoided had there been full disclosure and the truth been made known to me.

4. *Necessity* – This is FORMAL AND ACTUAL NOTICE of Protest and ACTUAL NOTICE OF DEFECT that the UNITED STATES corporate government has made it impossible to "pay" my debts with gold and silver coin as required by the Constitution for the united States of America but rather I am only able to "discharge" my debts with FRNs [more debt]. Since I am forced to use the FRN as the only way to survive in American society today and since the federal government uses its police powers to seal a monopoly on currency instruments, which is an unfair [unnecessary] restraint of trade, I have no choice but to

use FRNs (or equivalent bank accounts) as the only currency instrument [money[77]] available to me in America. No involuntary adhesion attachment of Title 26 civil liability that the UNITED STATES government considers I have accepted is valid when I am forced, out of practical necessity, to purchase every necessity of life (food, clothing, shelter, etc.) with the only legal means of exchange [money] in the UNITED STATES being FRNs.

5. *Duress* – Avoiding criminal prosecution – Between 1862 and 1865, Congress passed three laws relating to legal tender. The first two laws were penal statues: the Legal Tender Laws in 1862, and the National Banking Act in 1864. The third statute passed in 1865 imposed a 10% tax on state bank note issues. The combined effect of those Civil War era statutes collectively was to monopolize the entire American currency supply under Federal jurisdiction. By these statutes, both privately circulated coins and paper notes were outlawed, and all remaining private mints were later purchased by the government, or otherwise permanently put out of business. The Federal Reserve Act was passed by Congress on December 22, 1913 and signed into law by President Woodrow Wilson the next day. The act was sold to Congress and the American people as a measure designed to break the power of the "money trust" (a term used to describe the large domestic and international banking houses and ultra wealthy that dominated the financial scene

[77] "Federal Reserve notes are the only kind of paper money issued today." Hats the Federal Reserve Wears, Federal Reserve Bank of Philadelphia.

at the time). In fact, the Federal Reserve Act was drafted in a secret meeting on Jekyll Island by a group of seven men that represented the "money trust."[78] Most people believe the FED is a branch of the federal government when it is actually a private bank which now dictates the monetary policy of the UNITED STATES. The FED never has been audited and there is evidence that interests outside the U.S. control it (see Section 3.2.2). The Federal Reserve Board has been granted authority to create administrative regulations for the member banks. The Board of Governors of the Federal Reserve Board has issued regulations prohibiting the public circulation of private bank notes by member banks. Based upon these statutes and regulations, everyone in the united States of America must use currency provided by these UNITED STATES Treasury (now including only FRNs) or face criminal prosecution and possible penalties. Therefore, the use of FRNs is compulsory under the threat of prosecution and incarceration.

Therefore, you are hereby given ACTUAL NOTICE that any use I may make of FRNs to survive in our society is done "without prejudice," against my will and over my objection whether I inform any other parties or not.

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[78] For further study on how the Federal Reserve Act was passed see The Secrets of the Federal Reserve by Ustace Mullins and G. Edward Griffin, The Creature from Jekyll Island : A Second Look at the Federal Reserve, Westlake Village, CA, American-Media, 1998.

My *state of mind* is not one of "voluntary" beneficial acceptance and enjoyment of FRNs, but one of forced *de minimis*[79] coercion.

3.2.4 Deception and Fraud of the Internal Revenue Code (IRC)

I have recently become aware of some startling information regarding *U.S.C. Title 26*, otherwise known as the Internal Revenue Code (IRC). I include this section so as to enumerate but a few examples of the clever trickery, fraud and deception with which Congress and the Internal Revenue Service (IRS) for decades have perpetrated fraud and one of the biggest hoaxes against unwary American Citizens.

The enforcement and collection of the federal income tax is clearly one of the biggest hoaxes in the history of the planet – and without doubt the most lucrative. The IRC is exactly that – "Code!" It is written in code so complicated and vague that the average person cannot understand it, or ever hope to discover and understand that the IRC does not apply to the average American Citizen/National as an inhabitant of one of the freely associated (Republic) united States. After reading the definitions listed below, it should be clear that the IRC does not apply to me, pursuant to the fact that none of the following definitions apply to me.

The precise language and syntax of the IRC is technically written and lawfully intended by Congress to extract income taxes only from FEDERAL employees. To

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[79] "A writ which lay where a person was threatened with personal violence, or the destruction of his property, to compel the offender to keep the peace." Black's Law Dictionary, 5th Edition.

illustrate, note the ONLY definition in the IRC for "EMPLOYEE", with respect to COLLECTION OF INCOME TAX AT SOURCE ON WAGES withholding:

> *Section 3401(c)*:
>
> *"EMPLOYEE – For purposes of this chapter, the term 'employee" includes an officer, employee, or elected official of the United States, a State, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing. The term 'employee' also includes an officer of a corporation."*[80]

To be an "EMPLOYEE," one has to WORK FOR THE GOVERNMENT, or be an officer of a corporation!

> The IRC states clearly what a corporation is!
>
> *Section 7701(a)(3)*:
>
> *"CORPORATION – The term 'corporation' includes [only] associations, joint-stock companies, and insurance companies." (Emphasis clarification of 'includes' added below)*

As can be seen from the definitions above, even if I owned a corporation, I do not have a tax liability under the IRC unless it is one of the three types of organizations listed in Section 7701(a)(3) of the IRC. Further study of the Tax Code will reveal that the "corporation" must be formed in, doing business in, or receiving "income" from – the UNITED STATES (District of Columbia or the Territories excluding the freely associated (50) united States) otherwise it is considered to be a "foreign corporation."

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[80] See IRC 3121(d) for FICA.

Most everyone thinks of a Trade or Business as someone who earns a living (i.e., a mechanic, carpenter [trade], doctor, or other business profession, etc.). The Congress and the IRS again use trickery to deceive the public into thinking that individuals have a tax liability with the Federal government if they work in a trade or business profession. However, when one looks at the definition of a "trade or business", one can clearly see how the deception practices of the Congress and the IRS, in the form of "word art", is a willful attempt to mislead the general public (fraud):

> *Section 7701(a)*:
>
> *"TRADE OR BUSINESS – The term 'trade or business' includes [only] the performance of the functions of a public office." [Emphasis clarification of 'includes' added below]*

This raises the issue of the word "Include" and how it is used in law. In over 80 court cases, the word "Include" has been ruled to have the meaning of a *limiting* word. For example even if I were to have three cars, if I were to tell you that I will sell you my cars, including the red car and the green car, you would not be entitled to buy my white car. To further illustrate this understanding by legal professionals, when an attorney wants to expand a list beyond the limits of the word "include," she will use the phrase "including, but not limited to . . . " For a sentence to read correctly in terms of the legal meaning of the word "include," one could actually put the word "[ONLY]" after the word "include" (or includes, including, etc.) and the sentence would convey the correct legal meaning.

Some additional examples of this word trickery used by the IRS further can be seen in the following definitions

which are directly quoted from USC 26, the Federal Income Tax Code.

Section 7701(a)(9):

"UNITED STATES – The term 'United States' when used in a geographic sense includes only the States and the District of Columbia."

This sounds like what most Americans have always believed – Atlantic to Pacific – coast to coast all the freely associated (50) united States. The very next paragraph in the IRC states:

Section 7701(a)(10):

"STATE – The term 'State' shall be construed to include [only] the District of Columbia, where such construction is necessary to carry out provisions of this title."(Emphasis clarification of 'include' added above)

Using the structure of the two definitions, one correctly can say that the jurisdiction of the IRS is limited to the District of Columbia – and – the District of Columbia! From this structure, one can see that this has been nothing less than a deliberate attempt by the IRS and Congress to mislead the Citizens of the freely associated united States into thinking they are required to pay Federal Income Taxes (fraud).

To further confirm that "State(s)" (as quoted above) means only Washington, D.C. and its territories, find an old copy of the IRS code written when Alaska and Hawaii were still Territories and not "States." Alaska and Hawaii show up in the list under the definition for "State". When they later became "States" like all the other States of the

union, they were subsequently removed from the IRC definition completely.

There is yet further evidence that the definition of "State" does NOT include the 50 States of the "UNION." The IRC has a unique definition of "State," (as quoted above) dealing with that section of the IRC which applies to Procedure and Administration. The following definition applies to those places from which one can legally file documents.

> *Section 6103(b)(5)*
>
> *"(B) DEFINITIONS – For purposes of this section [only]-"(Emphasis and clarification added)*

. . . So, it is clear that the definitions ARE ONLY FOR THIS SECTION of the IRC . . .

> *"(5) STATE – The term 'State' means – any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and . . . "*

With regards to wages and compensation, there is no STATE statute or UNITED STATES federal statute (adopted by reference into STATE statutes) which clearly states that the Citizen's salary, wages or compensation for personal services has been declared by law to be subject to any [corporate sub-entity] STATE personal income tax. There is, however, an act of Congress explicitly naming public *employees* as subjects of the federal income tax. Congress consented to the taxation of the compensation of officers and employees of the federal, state and local government pursuant to the Public Salary Tax Act of 1939,

53 Stat. 574, April 12, 1939, at Title I, Section 1 and 4, as follows:

> *"The United States hereby consents to the taxation of compensation, received after December 31, 1938, for personal services as an officer or employee of the United States, any Territory or possession or political subdivision thereof, the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, by any duly constituted taxing authority having jurisdiction to tax such compensation, if such taxation does not discriminate against such officer or employee because of the source of such compensation."*

Section 1 of the Public Salary Tax Act of 1939, amended §22 of the 1939 IRC, as follows:

> *"Section 22(a) of the Internal Revenue Code (relating to the definition of 'gross income') is amended by inserting after the words 'compensation for personal service' the following: (including [only] personal service as an officer or employee of a State, or any political subdivision thereof, or any agency or instrumentality of one or more of the foregoing)".*

These two sections of *the Public Salary and Tax Act of 1939* are currently merged and are found at Section 3401(c) of the current IRS Code – within which there is *no mention whatsoever* of private sector employees as being subject to tax. Furthermore, I have been unable to find any similar acts of Congress demonstrating that Congress intended to tax *everyone's* salary or income – in addition to public employees. In fact, Congress removed all mention of "salary, wages and compensation for personal service" from the 1954 IRC's §61 definition of gross income subject

to UNITED STATES federal income tax, and by statutory reference, subject to any [federal corporate sub-entity] STATE income tax.

One can logically conclude from this, on the basis of common-sense, that when explicit items or sources of revenue – named and printed within the statutory text of the federal definition of "gross income" subject to tax – are *later removed from the "law" (statutes) by act of Congress* – that the legislative intent of Congress was clearly to communicate that *the removed items are no longer subject to mandatory tax.*

> *"Where a statute, with one reference to one subject contains a given provision, the omission of such provision from a similar statute concerning a related subject is significant to show that a different intention existed." Estate of Garthwait (1933) 131 Cal.App. 2d., pp.321, 326, 21, 465. (23 CalJur 778, Sec. 154).*

In other words, acts of Congress have clearly established that a Citizen's salary, wages, and personal compensation are no longer *legislatively included* within the federal definition of "gross income" allegedly subject to tax.

Further, private companies [corporations] routinely withhold moneys from their employees' compensation and give said confiscated moneys to the government even though the private companies are not "Withholding Agents" as defined by statute and their employees are not foreign entities[81]

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[81] IRC § 7701(a)(16) states: The term "withholding agent" means any person required to deduct and withhold any tax under the provisions of sections 1441, 1442, 1443, or 1461. These sections apply to money received on behalf of, or paid to, non-resident aliens, foreign

(Continued on following page)

I am shocked to discover that the UNITED STATES government, through its agents (public servants) and corporations, has perpetrated this magnitude of fraud and malfeasance against UNITED STATES citizens and American Citizens/Nationals (state Citizens) for decades. It is shameful that the *de facto* UNITED STATES government officials (legislators, presidents and judges – mostly Attorneys) would stoop to such fraud, deceit and treason and perpetuate these fraudulent acts against said citizens/ Citizens.

You are hereby put on Notice that I or any company that I own will NOT act as a collection agent for the IRS or the STATE with regards to any kind of particular tax without just compensation and a written contract which I have entered into voluntarily and with full disclosure.

If there are IRC definitions of "Taxpayer," "Employee," "Employer," "Trade or Business," and "Withholding Agent" which I have overlooked and which apply directly to American Citizens/Nationals (state Citizens), please provide me with written evidence of any said contradictory definition(s) within the time frame and in accordance with the conditions for responding to this *Declaration*. Actual Notice is hereby given that I receive any or all wages, commissions, salaries, etc. ***"without prejudice" ab initio***,[82] and that I am an unencumbered American Citizen/ National (state Citizen) who is exempt from levy and not

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partnerships, foreign corporations, and other foreign entities only, not to money received by citizens on their own behalf. Neither I nor any company that I own and/or operate is a "withholding agent" of the IRS or any STATE.

[82] Uniform Commercial Code § 1-207; D.C. Code § 28:1-207; Tenn C § 47-1-207.

subject to UNITED STATES or [federal corporate sub-entity] STATE income taxes.

3.2.5 Internal Revenue Service Monetary Awards to Government Agents

As you well know, UNITED STATES officers and the IRS [the primary collection agency of the FED] and the FED have conspired to extort literally trillions of dollars from unsuspecting Citizens. Cited below is evidence of criminal conspiracy whereby the President of the UNITED STATES, Judges, Prosecutors, and other government agents, brokers and intermediaries receive rewards for their fraud and deception upon the American People. Thus, I have unearthed the vested interest the federal judiciary (as well as the Executive) has to support the IRS with prosecutions and convictions (treason, deception, fraud, and collusion).

The Internal Revenue Manual, *Handbook of Delegation Orders*, January 17, 1983, pp. 1229-91, outlines the IRS' system of monetary awards [for income tax convictions]: " . . . of up to and including $5000.00, for any one individual employee or group of employees, in his/her immediate office, including field employees, engaged in National Office projects; and contributions of employees of other Government agencies and armed forces members . . . " *with the approval of* the Deputy Commissioner; " . . . of $5,001.00 to $10,000.00, for any one individual or group . . . " with the approval of the Deputy Commissioner; " . . . of $10,001.00 to $25,000.00 for any one individual or group . . . " with the Commissioner's concurrence; and " . . . an additional monetary reward of $10,000.00 (total $35,000.00) to the *President*

through Treasury and OPM" with the Commissioner's concurrence.

It is inexcusable that the IRS would offer a bounty to UNITED STATES chief officers, agents and employees as extra motivation for charging Citizens with tax crimes – based on statutes which do not even apply to private sector Citizens in the first place. Cash rewards are bad enough, but this illustrates the nefarious depths to which government will sink when *immunity from prosecution* for overzealous, predatory and unlawful tax exaction practices is also included in the deal. For this reason, many IRS managers and employees have declared open season on American Citizens incorrectly dubbed as "taxpayers." The Congressional hearings in 1998 revealed that IRS employees – in an out-of-control crusade for more and more revenue – routinely overstepped their authority, ignored the law, and trespassed upon the rights and protections of countless Americans – some of which committed suicide as a result. Senator William Roth even wrote a book aptly entitled *The Power to Destroy*, exposing numerous actual examples of IRS crimes perpetrated against the people of America (with the tacit consent of Congress). Even after these exposés, the UNITED STATES Department of Justice virtually did nothing to punish IRS employees for their heinous crimes against said Americans. These revenue-hungry IRS employees and agents have gained unfettered access to the wealth and productivity of the Citizens it purports to serve. In fact, it is difficult (if not impossible) to punish said officers and high ranking employees who agree to and participate in these injustices.

3.2.6 Passports

As an American Citizen/National (state Citizen), I have the right to travel anywhere without restriction. Since it was the people who created the Republic states (through their state representatives and identified in the Constitution as "We The People") and the states created the United States of America (*de jure* Federal Government), according to the Maxim of Law, *"The created cannot be greater than its creator,"* the UNITED STATES government cannot grant rights to any person or entity, which are greater than that of its creator (the people or state Citizens). If the UNITED STATES federal government can issue a document for a UNITED STATES citizen to travel, it is logical to conclude that the people (state Citizens) must have had that natural right in order to confer said right on the republic states and the united States of America governments respectively.

UNITED STATES citizen Passports are routinely issued to American Citizens/Nationals (state Citizens) when said American Citizen/National (state Citizen) should be able to either get a passport which identifies them as a "United States of America" Citizen/National or as a "Arkansas state" Citizen.

American Citizens/Nationals (state Citizens) traveled to foreign countries prior to the passing of the 14th Amendment to the Constitution and it is only logical to conclude that they had passports (travel documents), when they traveled abroad, by which they could be identified as a state Citizen in one of the freely associated united States.

I am unaware of any publication that shows which passports are available to American Citizens (having the

same status as those born in one of the freely associated united States prior to the passing of the 14th Amendment to the Constitution) that will correctly identify said state Citizen as a non-14th Amendment citizen. Until the UNITED STATES government discloses to me how I can get a proper passport which identifies my status correctly as a Arkansas state Citizen, I will, out of necessity, use the UNITED STATES passport and sign the application and the passport itself "without prejudice" to reserve my unalienable rights.

3.3 Judiciary Department Considerations

Relative to the UNITED STATES federal government, and more specifically within the Judiciary Department of said government, I include in this sub-section issues relative to my freedom which have provoked me to make this Declaration.

3.3.1 "Officers of the Court"

I have discovered that Attorneys at Law are considered by statute and the judiciary to be "officers of the court." Private practice lawyers, and most judges and prosecutors[83] are Attorneys at Law. Federal Prosecutors willfully and knowingly misrepresent themselves as officers of the executive branch when in fact they are operating as judicial officers. In like manner, defense attorneys (whether public defenders or private practice attorneys) pose as representing the interests of their clients when in

[83] Attorneys General (federal and state), U.S. Attorneys, Prosecuting Attorneys, District Attorneys, etc.

fact their loyalty is firstly to the court, secondly to the statutes, thirdly to the BAR and lastly to the client. **Thus, any time an Attorney represents a person, whether natural or otherwise, the Attorney is guilty of conspiracy to commit fraud and the actual crimes of collusion and fraud.** If Attorneys are *officers of the court* then they are, in fact, government agents. As such, Attorneys at Law should be paid through the proper tax system (excise and import and export taxes).

3.3.2 Tribunals/Admiralty Courts

The federal and the State courts and the Judges' chambers generally display military flags which have a gold fringe around three sides of the flag's edges.[84] The Stars and Stripes of the Republic are displayed nowhere on the premises of our courthouses. This indicates that these tribunals/courts operate under a questionable (colorable[85]) jurisdiction. Since tribunals/courts generally display military flags throughout most of the courthouses in America, said flags render the proceedings *Admiralty*. However, the pretended jurisdiction is that of a *Court of Law* (i.e., court of record or judicial proceeding). This means these tribunals/courts are committing fraud so as to mislead the general public. In cases where this fact has been addressed in the proceedings, *officers of the court* [Judges] threaten the complaining party with a charge of

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[84] Title 4 USCS and USCA §1 "Placing of the fringe on national flag within discretion of President as Commander-In-Chief of Army and Navy", (1925) 34 Op. Atty. Gen. 483.

[85] "That which is in appearance only, and not in reality, what it purports to hence counterfeit, feigned, having the appearance of truth." Black's Law Dictionary, 5th Edition.

contempt of court. Said party then faces unlimited imprisonment or fines for exposing the fraud. Covertly, the judiciary is proceeding as military tribunals enforcing martial law. Threat and duress are measures used to perpetrate this fraud.

This is FORMAL and ACTUAL NOTICE that the jurisdiction of the UNITED STATES and its [federal corporate sub-entity] STATES does not apply to my person or property and any jurisdiction assumed by any department, agency or agents of the UNITED STATES or its [federal corporate sub-entity] STATES – whether by my use of the USPS (federal postal districts) or by silent judicial notice that I am alleged to be a U.S. citizen – is hereby challenged.[86]

3.3.3 Judiciary is a Business

Before an action is filed with a court, the judiciary demands payment (*a consideration*) in the form of a filing fee or proof of being penniless in order to waive the consideration. Thus, ALL actions which are filed in a court (Tribunal) are contractual in nature.

In cases where the merchant tribunal breaches the contract by changing the terms of the contract, (dismissing cases), the petitioner or accuser has no power over the court. This leaves them without recourse except to contract with another tribunal of appeal in hopes the new

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[86] Title 5 of the U.S. Code § 556(d) states: "When jurisdiction is challenged the burden of proof is on the government." See also: McNutt v. G.M., 566 S. Ct. 789, 80 L. Ed. 1135, Griffin v. Matthews, 310 Supp. 341, 423 F. 2d 272, Basso v. U.P.L. 495 F. 2d 906, Thomas v. Gaskiel, 62 S. Ct. 673, 83 L. Ed. 111.

tribunal or judges will not breach the new contract. When the contract is breached, the petitioner or accuser is denied his/her day in court (which is what they contracted for and gave consideration for in the first place). In such situations, the judiciary rarely if ever reimburses the filing fee. The judge then acts as a biased arbitrator with police powers rather than as a defender of the law and equity. Moreover, the Clerk of the tribunal/court usually receives a commission on the cases filed. Since the Clerk is part of the judicial system, this means the judiciary has become a closed, self-initiating business with an insatiable appetite for funds rather than a lawful governmental branch with a responsibility to protect the public from tyranny. This fact is made evident by the increasing number of cases the officers of the court are initiating. The judiciary has a vested interest in maintaining the status quo due to the incentives in the current system (See Section 3.2.5 above).

3.3.4 Unalienable Rights Not Secure

Statutes do not secure *unalienable rights*, but create *civil rights/remedies* under the authority of the 14th Amendment. The founding fathers intended to protect our unalienable Rights. But tribunals/courts only service statutes. Statutes are both unclear and complex in construction, so much so, that most *Attorneys at Law* (officer of the court) do not even understand them. *Attorneys at Law* are highly trained professionals that must meet rigorous standards including: earning a bachelor's degree from an accredited university; graduating from an approved law school; passing the BAR exam; and, serving an informal internship. After all this training and experience, most attorneys still lose a large percentage of their cases. There is evidence which indicates that not even highly

trained attorneys can understand *colorable* statues. This being the case, then it is NOT reasonable to expect that the average *person* could comprehend such ambiguities and complexities. Yet the judiciary holds the *natural* person and *res* solely responsible and hands out punishment accordingly. These facts support a conclusion that, as they are applied to the American public, most cases and statutes are "Bills of: Attainder; pains and penalties."[87]

3.3.5 Fraud in the Judiciary

Judges and other *officers of the court* routinely perpetrate fraud on Citizens and the public at large.

> **Example 1**: Grand juries are secretly impaneled by UNITED STATES federal and STATE *officers of the court* (prosecutors) who plead their one-sided cases for indictment to the Grand Jury. Federal statutes (*Title 18 U.S.C. Anno. §§ 1503* [Tampering with a juror generally] and §1504 [Tampering with a juror by writing]) call such acts a felony but "officers of the court" are not prosecuted for said felonious actions (*selective prosecution; racketeering; conspiracy*). Nothing has been published which precludes an American Citizen/National (state Citizen) or UNITED STATES citizen from personally appearing before a grand jury, without interference or accompaniment by officers of the court, but information regarding this option is unavailable to Citizens and the public. Further, officers of the court do not inform the grand juries that they have a vested interest as a business entity [the judiciary and its

[87] Art. I, Section 9, of the Constitution prohibit bills of attainder and bills of pains and penalties per Black's Law Dictionary, 5th Edition.

army of "officers of the court"] and are prosecuting under *color of law* (fraud and; conspiracy).

Example 2: Jurors in this country are never told of their true power and authority. Jurors are never told that the Constitution for the united States of America provides that they must not only decide upon the facts placed in evidence but also upon the validity or applicability of every law, rule, regulation, ordinance, or instruction given by the judge or attorney. This is supported by the following great legal minds of the united States of America:

> *"The jury has a right to judge both the law as well as the fact in controversy." John Jay, the first Chief Justice of the U.S. Supreme Court, 1789.*
>
> *"The jury has the power to bring a verdict in the teeth of both law and fact." Oliver Wendell Homes, U.S. Supreme Court Justice, 1902.*
>
> *"The law itself is on trial quite as much as the cause which is to be decided." Harlan F. Stone, Chief Justice U.S. Supreme Court, 1941.*
>
> *"The pages of history shine on instances of the jury's exercise of its prerogative to disregard instruction of the judge . . . "*[88]

These facts are withheld from juries every day, in every court (Tribunal) in the federal UNITED STATES and the federal sub-entity STATES (fraud; conspiracy; and jury tampering).

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[88] U.S. v. Dougherty, 472 F. 2nd 1113, 1139, (1972).

> **Example 3**: Every time a state Citizen (flesh and blood man [female]) receives correspondence from a federal government entity (administrative or judiciary), their name is incorrectly styled (written) in all capital letters (which represents a corporation, an artificial entity or a "legal fiction") and it is addressed to a Federal Postal District in an attempt to establish jurisdiction over the person and res of the addressee. Through this trickery and deceit, "courts" (Tribunals) routinely take silent judicial notice of a "voluntary" consent to jurisdiction (via the Federal Postal District) which is established without the knowledge of the appearing party (fraud and conspiracy).

The judiciary has become a business rather than a Constitutional entity and the people have become goods used to generate revenue for the UNITED STATES federal government and its agencies or STATES. Attorneys are merchants of law[89] and anyone appearing with an Attorney or "pro se" (as your own attorney) is appearing as a merchant. Thus, the state Citizen is unwittingly voluntarily contracting to be punished or disciplined in an action between merchants.[90]

For example here is what *Black's Law Dictionary* says:

> *" . . . pleas to the jurisdiction of the court must be plead in propria persona, because if pleaded by attorney they admit the jurisdiction, as an attorney is an officer of the court, and he is presumed*

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[89] U.C.C. § 2-104(1); adopted by all 50 STATES.

[90] U.C.C. § 2-104(3).

We are not warned that to challenge the jurisdiction of the court (Tribunal) we must appear "in propria persona" (in one's own proper person).

to plead after having obtained leave, which admits the jurisdiction." Black's Law Dictionary, 5th Edition.)

Judges routinely trick those who appear before them into granting jurisdiction to the "court" (Tribunal) or becoming a "Merchant" by:

1. Having the Citizen make a plea;

2. Entering a plea for the Citizen if he/she refuses to enter a plea (having challenged jurisdiction);

3. Entering into the record, above the Citizen's objection, that the Citizen is appearing pro se (as one's own attorney or as a Merchant thus converting said Citizen into a Merchant over which their court [Tribunal] already has jurisdiction);

4. Forcing the Citizen to have a public defender ("officer of the court") which automatically confers jurisdiction upon the court if not objected to by the Citizen; and

5. Enticing the Citizen to enter into an argument with the Judge on any issue other than that of jurisdiction, which arguments grant jurisdiction to the "court" (Tribunal).

By acting in this manner, the "courts" (Tribunals) continue to perpetuate the UNITED STATES [corporate] jurisdiction without any attempt to guarantee the rights of the Citizen are protected, which is the duty of any public servant (Executive, Judicial or Legislative) who has taken the oath to support and defend the Constitution (conspiracy, and collusion).

Example 4: If someone or some entity commits a crime against my persona or my res, it is impossible to file a criminal action against that individual or entity without the permission of the District/UNITED STATES Attorney. An American Citizen is no longer permitted to file a criminal action against anyone; only the government can file a criminal action. In so doing, the BAR and the "courts" (Tribunals) have taken complete control over what is prosecuted as a crime (selective prosecution) and they often protect those in positions of trust (public servants) who regularly commit crimes in an attempt to secure convictions against Citizens. This essentially makes it possible and easy for these "public servants" to routinely violate the rights of American Citizens with impunity.

Example 5: The courts (Tribunals) routinely cooperate with the IRS and Prosecuting Attorneys' illegal confiscation of the Citizen's bank accounts and/or assets in an attempt to "make the Citizen poor" so the Citizen will not have the resources readily available to them to stage a proper defense. It is logical to conclude from these practices that the courts (Tribunals) do not act as unbiased referees seeking justice but rather these [corporate] Judges, by their actions, demonstrate that they favor and routinely orchestrate court (Tribunal) actions and decisions to support of the [corporate] UNITED STATES or STATE against the Citizen.

3.3.6 Everyone a "Criminal"

The actions of both the legislative and judicial branches of government have created a situation where anyone may be a criminal. At present, there are approximately 3 million

(3,000,000) law books in the Library of Congress and there are approximately 60 million (60,000,000) (*colorable law*) statutes in the UNITED STATES. Our legal system long has held that ignorance of the law is no excuse for not complying with the law. This principle was developed under Natural Law because most men know intuitively when they have wronged another. The common law had a related principle which held that there was no crime unless another's person, property or rights were damaged or violated in some way. However, with the addition of millions of *colorable* statutes operating outside of common law, anyone can be charged and convicted of any number of crimes which may have been passed into law without the Citizen's knowledge.

The initial intent of the Statutes or Code was to codify the common law by passing into law previous rulings which had clarified issues relative to cases in the common law. However, at some point, this project crossed the line and began to implement *colorable* statutes (which compel Citizens to perform) in direct opposition to the common law. These statutes are not law (*see UCC § 1-103:6*) even though they are continually referred to as law. No one *person* can know all of these "laws" (statutes). Since ignorance of the law is not an excuse for disobeying the law, we have a situation where every man, man and child in America is probably breaking one or more of these laws (statutes) at any given moment. This means that any one of us at any time can be arrested and convicted if "law enforcement" (formally known as peace officers) decides to arrest us or an officer of the court decides to prosecute us.

Attorneys at Law represent themselves as experts of law. I challenge any Judge or any Prosecutor to list all of the statutes verbatim from memory. Judges and Prosecutors

have the added advantage of having a staff of Attorneys and Paralegals at their disposal to research the "law." Since no Judge or Prosecutor can quote all 60 million "laws," it is unreasonable to charge anyone with *colorable* statute violations.

4 STATE GOVERNMENT CONSIDERATIONS

Included in this Section are those issues within the federal STATE government relative to my freedom which have provoked me to make this Declaration.

4.1 Legislative Department Considerations

Relative to the [federal corporate sub-entity] STATE OF ARKANSAS government, and more specifically within the Legislative Department of said government, I include in this sub-section issues relative to my freedom which have provoked me to make this *Declaration*.

4.1.1 Citizen's Right to Travel

One's Right to Travel is a natural right[91] which is foundational to the exercise of all other rights and freedoms. If it is required to obtain permission from any

[91] Dunn v. Blumstein, 405 U.S. 330, 92 S.Ct. 995, 31 L.Ed.2d 274; Kent v. Dulles, 357 U.S. 116, 125; Schactman v. Dulles, 96 App. D.C. 287, 225 F.2nd 938, 941; U.S. v. Wheeler, 254 U.S. 381; Shapiro v. Thompson, 394 U.S. 618, 22 L.Ed.2d 600, 89 S.Ct. 1322; U.S. v. Meulener, 351 F. Supp. 1284, (CA-1972); Wall v. King, 296 F.2d 878; People v. Declemente, 442 NYS 2d 931; City of Chicago v. Collins, et al, 51 NE 907, 909, et seq.; Chicago Motor Coach v. Chicago, 169 NE 221; Hennessey v. Taylor, 76 NE 224; 11 AmJur (1st series) Section 329, Personal Liberty; USCA Art. 1 (Bill of Rights), note 10, cl. 2.

authority to use the public right-of-way to travel to the Church of one's choice, then said Citizen does not have the right to freely exercise their religion, which natural right is protected by the Constitution. Without one's ability to exercise the fundamental natural Right to Travel, one does not have freedom as protected by the Constitution.

In direct violation of this fundamental right, Legislators in the Legislatures of freely associated (50) united States, which have taken the oath to support and defend the Constitution which protects American Citizens/Nationals (state Citizens), have consistently passed into *colorable* "Law" those statutes which turn a natural unalienable Right into a STATE Privilege. They have converted a private activity which is protected by the Constitution into a commercial privilege which can be regulated by and generate revenue for the STATE.

The public schools, teachers, media and all other persons which disseminate information all use commercial terminology to define and describe private actions. For example, private activity words have routinely been replaced with commercial words by which the STATE can regulate and collect revenue from the citizen:

Private Words	v	Commercial Words
Travel	v	Drive
Automobile	v	Motor Vehicle
Guest	v	Passenger
Use & Enjoy	v	Operate
Private Carrier	v	Common Carrier

> *"First, it is well established law that the highways of the state are public property, and their primary and preferred use is for private purposes, and that their use for purposes of gain is special and extraordinary which, generally at least, the*

legislature may prohibit or condition as it sees fit."[92]

The distinction is made very clear in Title 18 USC 31:

> *"'**Motor vehicle**' means every description or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, or passengers and property."*
>
> *"'**Used for commercial purposes**' means the carriage of persons or property for any fare, fee, rate, charge or other considerations, or directly or indirectly in connection with any business, or other undertaking intended for profit."*

By education and training, Citizens have been conditioned to refer to their private natural Rights to travel as privileged commercial activities.[93] Thus the average Citizen voluntarily (or unwittingly) converts themselves from a private natural *person* into a commercial entity which is controlled and taxed by the STATE. Careful review of the STATE Codes will demonstrate that all Code statutes relative to Driving are commercial in nature and have no applicability to the private activities of the Citizen.

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[92] Frost and F. Trucking Co. v. Railroad Commission, 271 U.S. 592; Pachard v. Banton, 264 U.S. 140, and cases cited; Railroad Commission v. Inter-City Forwarding Co., 57 S.W. 2d 290; The Mayor & City of New Orleans v. United States, 35 U.S. 662, 10 pet. 662, 9 L.ed. 573; 16 CJS Constitutional Law Section 202, pg. 987; 11 AmJur 1st, Constitutional Law, Section 329, pg. 1135.

[93] Commercial activities are hauling freight or passenger(s) for hire.

4.1.2 Citizen's Right to Marry

Under the Common Law, one has the right to marry without restriction. Years ago, Citizens were conditioned to believe that one had to obtain a marriage license to get married. The natural right to marry was turned into a privilege. The reasons purported were harmless, or so it was thought; by blood testing, it would prevent the spreading of venereal disease; and by licensing one will be protected from a marriage partner who is married to more than one *person* at a time. However, it was not presented in any school or government publication that to apply for and obtain a marriage license converted the natural right into a civil contract to which the STATE was also party. By so doing, the STATE had owner rights to the property and the children created by the marriage. Otherwise, the STATE would not have been a party to the contract and it would have had no rights to direct, control, or dictate anything relative to the marriage or the children of the marriage.

Further, a license is defined as in Black's Law Dictionary as:

> *"License: the permission by competent authority to do an act which, without such permission, would be illegal, a trespass, or a tort."*[94]

No one in the legal profession has been able to explain to me what is "illegal, a trespass or a tort" about getting married.

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[94] Black's Law Dictionary, 5th Ed.;People v. Henderson, 391 Mich. 612, 218 NW2nd 2, 4.

Furthermore, as an impressionable youth, I was conditioned to believe that to get married under Common Law (without a license) was to commit an immoral act. It was never revealed to me by any government agent that Citizens have the natural right to marry, and that to apply and execute a marriage license was to make the STATE a party to the marriage (fraud).

4.2 Executive Department Considerations

Relative to the [federal corporate sub-entity] STATE OF ARKANSAS government, and more specifically within the Executive Department of said government, I include in this sub-section issues relative to my freedom which have provoked me to make this *Declaration.*

4.2.1 Citizen's Right to Own Property

The Constitution protects the Citizen's right to own property. However, the Congress, in violation of the Constitution, passed legislation that made all property that of the STATE.

> *The ownership of all property is in the State: individual so-called ownership is only by virtue of Government, and use must be in accordance with the law and subordinate to the necessities of the United States. (HJR192, see Senate Document 43, 73rd Congress 1st Session)*

Under Common Law, one has the right to own property without restriction. This means that one possesses the Legal Title to the property and that no one can take said property without "due process of law." However, Citizens have been tricked into giving Legal Title away to the city or county (STATE) by recording the color-of-title

deeds with the County Recorder Office. As a result of the filing of these *color-of-title* documents, the STATE claims to have unencumbered Legal Title and the Citizen is reduced to no more than a renter or tenant on the property which they sincerely believe they own.

Because the STATE has taken Legal Title from the Citizen through trickery, deceit and without full disclosure (fraud), the STATE then claims that it can regulate and confiscate the property when property taxes (rent or use fees) are not timely paid to the City or County. The STATE also assumes priority control and regulation over what the property may be used for, and what activities, enterprises or improvements are allowed or permitted to take place or be built upon the property.

This Declaration hereby exposes this fraud and I reclaim all Legal Title and my natural right to exclusively own, use and control my own property as guaranteed and protected by the Constitution.

4.2.2 Corporate Government

Around 1933, the federal government declared bankruptcy on its obligations to the [privately owned] Federal Reserve Bank – without publicizing this circumstance to the American people.[95] After the bankruptcy of the UNITED STATES federal government, all the *de jure* lower levels of government structures at various levels (United States, State, County, and City) were restructured and reorganized to

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[95] United States Congressional Record – March 17, 1993 – Vol. 33, pg. H-1303 – Speaker-Rep. James Traficant, Jr. (Ohio) addressing the House.

become subsidiaries or *sub-entity corporations* under the UNITED STATES federal government.[96] Consequently, their original function as valid, governing bodies – empowered and chartered only by authority of the people – came to an abrupt end. This event was not publicized to the American people, and most Americans today are still *completely ignorant* of these critically important developments.

According to the Maxim of Law, "The created cannot be greater than the creator," the federal STATES cannot have authority or jurisdiction greater than the UNITED STATES Federal government (i.e., Washington, D.C., the Territories and any land ceded over to the united States of America). Therefore one can readily see that to extend the jurisdiction of the UNITED STATES federal government, and that of the STATES, to the freely associated united States, is fraud and deception willfully perpetuated by public servants at all levels of government and this information is routinely and fraudulently hidden from Citizens by said public servants. Otherwise, the STATES would be powerless to enforce its 60 million statutes upon anyone or any entity outside Washington, D.C., the Territories or lands ceded over to the united States of America.

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[96] "It is an established fact that the United States Federal Government has been dissolved by the Emergency Banking Act", March 9, 1933, 48 Stat. 1, Public Law 89-719; declared by President Roosevelt, being bankrupt and insolvent. H.J.R. 192, 73rd Congress, session June 5, 1933 – Joint Resolution To Suspend The Gold Standard and Abrogate The Gold Clause dissolved the Sovereign Authority of the United States and the official capacities of all United States Governmental Offices, Officers, and Departments and is further evidence that the United States Federal Government exists today in name only."

A significant implication of these incorporation efforts is that the various levels of "law enforcement" have become *colorable* "law" (statute) enforcers impersonating peace officers. Citizens were never told that they had lost the protection of police powers authorized under the individual organic state and federal Constitutions. They also were never told that the job of their supplanted law enforcement officers (formerly known as peace officers) was to process (arrest and charge) Citizens caught in violation of any of the 60 million *color of law* statutes on the books. These processes serve to fatten the coffers of these government corporations – not to mention the burgeoning, privately-owned prison industry.[97] This leaves the people without valid police power to offset the tyranny of the corporate government, or to protect the interest (persona and res) of the people.

4.2.3 Executive/Administrative Fraud

Various administrative agencies at every level of the *de facto* STATE government regularly perpetrate fraud on the public at large.

Example 1: When an American Citizen/National (state Citizen) or a UNITED STATES citizen purchases an automobile, the Legal Title to the automobile (Manufacturer's Statement of Origin) is sent to the STATE. In exchange for surrendering the Legal Title to the STATE, the buyer is given a ***"Certificate of Title."*** This certificate of title is not the Legal Title to the property; it is only a

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[97] The prison population in the U.S. has tripled since 1980. There are more prisoners in the U.S. than in Red China and the U.S. has about ¼ the population.

certificate indicating that a Legal Title exists. The buyer is never informed that the STATE has seized the Legal Title to the automobile through *color of law*. Through *color of law*, (e.g., registration, licensing, taxes), the STATE then leases the automobile back to the unwitting buyer. The automobile then is converted to a "motor vehicle" so that it will fit within the STATE'S statutes on commercial transportation. A similar scenario is carried out in other property tax situations. These acts of collusion, fraud, theft, and conversion are committed or aided consistently by *Attorneys* and *officers of the court* (Public servants) while enforcing statutes under *color of law*. While engaging in these crimes they secretly rely on judicial immunity to protect themselves from prosecution.

Example 2: When I, an American Citizen/National (state Citizen), purchase a piece of property in one of the freely associated united States, I am not given an allodial [lawful] title or land patent. Instead I am given a *color-of-title* deed which was not fee simple absolute. The corporate STATE and COUNTY governments then assumes a position in which they have fraudulently annexed my property and they lease it back to me for what is called property taxes. This amounts to nothing more than an extortion payment.

Example 3: The STATE issues licenses for various purposes, e.g. marriage, various occupations (contractor, chiropractor, nurse, doctor, CPA, etc.), and for driving a private vehicle, etc. The definition for license is *"permission from a competent authority to do something that without the permission would be illegal, a trespass, or a*

tort."[98] Please explain to me what is illegal, a trespass or a tort about getting married; earning a livelihood in a lawful profession; traveling on the public highways to church, one's job, or the store. *Black's Law Dictionary* provides evidence that each of these activities is a fundamental right rather than a licensed privilege. It would seem that, through *color of law* (statutes), people (allegedly) now need licenses to engage in what should be Natural Rights, which is contrary to the ruling of the UNITED STATES Supreme Court (Tribunal) that the State may not convert a right into a privilege and charge a fee for licensing it.[99]

Example 4: The STATE, COUNTY and CITY governments throughout the nation would have the public believe that there will never be budget surpluses. The various levels of government constantly pass legislation to provide yet more funding. The actual fact is that many of these entities have a surplus. The various levels of government in essence keep two sets of books. The one that they like to talk about is the budget. But the one that tells the real story is the Comprehensive Annual Financial Report (CAFR). The budget is only a planning document. The CAFR shows what actually happened. A careful review of the CAFR of many of these entities will reveal that huge surpluses exist. For example, for fiscal year 2001, the State of California had an excess of $60.94 billion[100] and the State of Texas had an excess of $54.84

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[98] Black's Law Dictionary, 5th Edition.

[99] Murdock v. Pennsylvania, 319 U.S. 105; Schuttlesworth v. Birmingham, Alabama, 373 U.S. 262.

[100] Per documents found at http://www.cafrman.com/Articles/Art-CA-S1.htm.

billion.[101] Other STATES have similar excesses including but not limited to: ARIZONA, FLORIDA, INDIANA, MASSACHUSETTS, NEW YORK, OHIO, OREGON, and WASHINGTON.

These funds are not needed or spent for the operation of all government functions, funds, accounts, agencies, entitlement programs, etc., directly or indirectly, for the year(s) covered by the budget, which is usually one year. Theoretically, at the end of every fiscal year, governments should have little or no cash/investments on hand. But what I have recently discovered is that most governments have huge amounts of cash and investments on hand at the end of the fiscal year. And somehow, said cash and investments are not being recycled back through the budget process the next year but are being held year-after-year and the income and amounts keep increasing.

One study estimates the total, accumulated, extra-budgetary surpluses of combined local, STATE and UNITED STATES federal governments amount to the staggering sum of approximately $60,000,000,000,000 (sixty trillion dollars).[102] The governments' ownership of this vast wealth and assets is not publicized to the public. Instead, the government continues to dun the "taxpayers" for higher and higher taxes allegedly necessary to "balance the budget" – or else suffer the reductions of government programs which benefit the "taxpayer."

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[101] Per documents found at http://www.cafrman.com/Articles/Art-TX-S1.htm.

[102] After his election, Governor Jesse Ventura of Minnesota discovered this hidden C.A.F.R. treasure chest in his state, and proceeded to rebate the money to the taxpayers – the rightful owners of this considerable wealth.

4.3 Judiciary Department Considerations

Relative to the [federal corporate sub-entity] STATE OF "ARKANSAS" government, and more specifically within the Judiciary Department of said government, I include in this sub-section issues relative to my freedom which have provoked me to make this *Declaration*.

4.3.1 Silent Judicial Veto

Lower "courts" (Tribunals) often ignore the rulings of "higher courts" or view said rulings as only "opinions" and the "courts" (Tribunals) take a contrary position to the "higher court" (Tribunal) against the Citizen and in favor of the (corporate) government (Federal, STATE or local). These lower courts are practicing a silent judicial veto of these "higher court" rulings when they have not been granted said power by the Constitution to do so. This action then requires a Citizen to take the matter (at an increased expense) to a "higher court" and often the *silent judicial veto* is perfected when the "Supreme court" (Tribunal) refuses to hear said case. This confirms that America no longer has courts of law but rather only Tribunals which are acting in a commercial capacity (treating "higher court" rulings as only opinions) and as a business to generate revenues for the UNITED STATES government and its agencies the STATES (i.e., STATE OF ARKANSAS).

5 OTHER CONSIDERATIONS

Included in this section are other general issues relative to my freedom which have provoked me to this *Declaration*.

5.1 The BAR Association

I have recently discovered that the BAR Association has placed itself in an unprecedented position of power within the halls of government against the American people.

Colorable statutes are written exclusively by BAR Attorneys in the various *de facto* federal and STATE legislatures in America. These legal professionals know that, under Common Law, no one can be compelled to perform, except for breech of contract. These legal professionals continue to willfully create millions of *colorable* statutes (based on a fraudulent alleged contract between the UNITED STATES and UNITED STATES citizens) which are not in harmony with the Common Law and which are intended to abrogate the law (Common Law).[103]

Prosecuting (BAR) Attorneys at the local and federal level can self initiate an action against anyone at any time (through unlawful indictments) even though no one's *person*, property or rights have been damaged and no one has filed a complaint. These same prosecuting Attorneys are the only ones who can file a criminal action against a third party. Thus, they are in a position to orchestrate selective prosecution and to protect their own members (other Attorneys, Judges, IRS Agents, and many politicians who are also Attorneys) from prosecution.

Judges (BAR Attorneys) are the alleged unbiased referees in these self-initiated actions but they often demonstrate a bias toward the prosecuting (UNITED STATES or STATE) Attorney by restricting evidence,

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[103] UCC 1-103:6.

sustaining the prosecutor's objections, overruling the objections of the accused, forcing the *pro per* accused Citizen to have a public defender (thereby granting jurisdiction to the court), taking silent judicial notice that the accused is a UNITED STATES citizen with limited civil rights and without unalienable Rights, taking silent judicial notice that the accused is an incompetent child of the STATE, and a host of other actions which are devised to tip the scales in favor of the *de facto* corporate government.

The unsuspecting accused Citizen, following the advice of friends and often times the court, hires a BAR Attorney to defend them. Many of these Attorneys work out deals with the prosecutor and support the prosecutorial system, out of fear of reprimands and reprisals by the court and the BAR rather than fight for the rights of their clients.

Before one can become an Attorney, one must attend an accredited Law School and said accreditation is granted to the school by the BAR Association. Thus the BAR controls the curriculum of the Law Schools in support of the colorable statutes created by other BAR Attorneys. For example, Attorneys are not taught the Common Law, Pure Trusts, etc. They live and operate only in the *color of law* statutory realm.

Once one has graduated from Law School, they must take the BAR exam which is also administered by the BAR. Based on the passing of this exam, they are permitted to practice law.

The BAR has created a very complicated and meticulous procedure for the courts designed only to secure more convictions and to promote the monopolistic legal profession as the

only individuals who are knowledgeable enough to represent the accused Citizen and help them navigate through the system. Many have gone to jail simply because they made a mistake procedurally and evidence was not permitted or they did not file in a timely manner, etc.

Several [corporate sub-entity] STATES have actually written into the Trial Court Rules that no changes can be made to said rules or procedures without the review and approval of the BAR Association (see Oregon Trial Rules, 2001).

Attorneys at law are statute "merchants," as defined in the UNITED STATES and STATE [corporate] business code, *UCC § 2-104(1),* holding membership and swearing allegiance to corporate business entities known as the BAR (**B**ritish **A**ccredited **R**egistry) Associations. Great Britain is virtually the only country in the world without a BAR Association because the BAR was created by the British.

Attorneys are dubbed ***Esquire***, which is a title of nobility meaning "Shield Bearer." America does not have titles of nobility or a special class of Citizen and this only further confirms that Attorneys are foreign British agents of the (**B**ritish **A**ccredited **R**egistry) or BAR.

In this manner, a private corporation known as the BAR Association has strategically positioned itself to replace the legitimate functions of the *de jure* American government and actually replace or become the *de facto* government ***(treason).***

5.2 Other Contractual Entrapments

There may be other hidden UNITED STATES Federal and/or STATE contracts beyond those mentioned in the foregoing sections that I have omitted or which have not been cited. I am unaware of receiving any benefits or consideration (for which I have not paid a consideration) that could serve to ensnare me into additional hidden contracts and thereby entrap me in a co-surety obligation of the UNITED STATES federal or STATE corporate debt. It is not my intent to be a willing party to any such contracts. If I receive any service[104] under contract which attempts to entrap me into a co-surety obligation of the federal corporate debt, said contracts, whether or not signed by me, are accepted "without prejudice." I hereby serve ACTUAL NOTICE to all levels of the UNITED STATES federal and STATE governments with this FORMAL and ACTUAL NOTICE that any other contracts that would entrap me in a co-surety obligation of the federal corporate debt are vitiated and NULL AND VOID – *ab initio* – by reason of undue influence, fraud, duress and coercion.

If any such contracts exist, you are hereby directed to provide me with written (hardcopy) evidence of said contracts within the time frame and in accordance with the conditions for responding to this *Declaration*.

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[104] These services include, but are not limited to, use of any public conveyance which one often receives without an opportunity to sign a particular document.

5.3 Judiciary Contractual Entrapments

With the exception of the reservations made below, this *Declaration* constitutes my FORMAL and ACTUAL NOTICE of Severance and Waiver, Forfeiture, and Rejection of Admiralty Benefits to the UNITED STATES Federal and STATES Judiciary. I do hereby waive, forfeit, forego, and reject, any and all benefits (other than those secured by the Constitution) that would otherwise inure to me as an artificial/juristic person.

I do however reserve all my unalienable Rights to:

1. Participate in any so-called UNITED STATES benefits for which I have paid and am paying a consideration without becoming a co-surety of the federal corporate debt;

2. Participate in any so-called benefits for which the Constitution has made explicit provision; and

3. Access and use the *de facto* Admiralty legal system which has replaced that which is implied, inferred or expressed in the Constitution for the United States of America and the Bill of Rights without surrendering any of my unalienable Rights; there being no alternative, lawful Common Law courts in existence today.

5.4 U.S. Officers Breech Their Oath of Office

The corporate officers of the UNITED STATES[105] have allowed tyrant judges, shameless lawyers, and a corrupt

[105] Included in this list of officers are the U.S. President, U.S. Chief Justices, Commissioner of the Internal Revenue Service, State Chief Justices, Governors, and U.S. and State Legislatures and the predecessors of same.

IRS to extort, harass, and terrorize me and other law-abiding citizens. Said officers have allowed idolatrous citizens to abuse their voting power for selfish gain in the process of allowing corrupt politicians to buy votes using money borrowed from their children's inheritance. Said officers have turned this once great country (Republic) into a (Democracy) debtor nation and in the process destroyed the liberty and freedom which has been the fabric of American society. Said officers have sold our children into slavery to pay off debts accumulated by the sins of their parents in clear violation of ***18 U.S.C. 1581*** (Treason)!

Thomas Jefferson, one of our founding fathers, warned of this evil:

> *"Funding I consider as limited, rightfully, to a redemption of the debt within the lives of a majority of the generation contracting it; every generation coming equally, by the laws of the Creator of the world, to the free possession of the earth He made for their subsistence, unencumbered [sic] by their predecessors, who, like them, were but tenants for life." – Thomas Jefferson to John Taylor, 1816. ME 15:18*
>
> *"[The natural right to be free of the debts of a previous generation is] a salutary curb on the spirit of war and indebtment, which, since the modern theory of the perpetuation of debt, has drenched the earth with blood, and crushed its inhabitants under burdens ever accumulating." – Thomas Jefferson to John Wayles Eppes, 1813. ME 13:272*
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> *"We believe – or we act as if we believed – that although an individual father cannot alienate the labor of his son, the aggregate body of fathers may alienate the labor of all their sons, of their posterity, in the aggregate, and oblige them to pay*

for all the enterprises, just or unjust, profitable or ruinous, into which our vices, our passions or our personal interests may lead us. But I trust that this proposition needs only to be looked at by an American to be seen in its true point of view, and that we shall all consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves; and consequently within what may be deemed the period of a generation, or the life of the majority." – Thomas Jefferson to John Wayles Eppes, 1813. ME 13:357

"It is incumbent on every generation to pay its own debts as it goes. A principle which if acted on would save one-half the wars of the world." – Thomas Jefferson to A. L. C. Destutt de Tracy, 1820. FE 10:175

To preserve [the] independence [of the people,] we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude. If we run into such debts as that we must be taxed in our meat and in our drink, in our necessaries and our comforts, in our labors and our amusements, for our callings and our creeds, as the people of England are, our people, like them, must come to labor sixteen hours in the twenty-four, give the earnings of fifteen of these to the government for their debts and daily expenses, and the sixteenth being insufficient to afford us bread, we must live, as they now do, on oatmeal and potatoes, have no time to think, no means of calling the mismanagers to account, but be glad to obtain subsistence by hiring ourselves to rivet their chains on the necks of our fellow-sufferers." – Thomas Jefferson to Samuel Kercheval, 1816. ME 15:39

Said officers have raped and debauched the specie which governs the mode and the medium of money, and have bankrupted the Nation as a whole through conspiracy and sedition. The Constitution for the UNITED STATES, under Article I, Section 10 still reads:

> *"No state shall . . . coin money, emit bills of credit, make any thing but gold and silver a tender in payment of debts . . . "*

Following the civil war, in 1868, said officers coerced legislators of the southern states to ratify the 14th Amendment at gunpoint, which subsequently created a new class of UNITED STATES citizenship originally meant only for slaves and which carried with it civil rights which are less than the full unalienable Rights as protected by the Constitution. The following cite clarifies this from *Elk v. Wilkins*, 112 U.S. 94 (1884):

> *"By the thirteenth amendment of the constitution slavery was prohibited. The main object of the opening sentence of the fourteenth amendment was to settle the question, upon which there had been a difference of opinion throughout the country and in this court, as to the citizenship of* ***free negroes****, (Scott v. Sandford, 19 How. 393;) and to put it beyond doubt that all persons, white or black, and whether formerly slaves or not, born or naturalized in the United States, and owing no allegiance to any alien power, should be citizens of the United States and of the state in which they reside. Slaughter-House Cases, 16 Wall. 36, 73; Strauder v. West Virginia, 100 U.S. 303, 306."*

Said officers then deceived everyone born in the nation into falsely believing that they were "U.S. citizens" with said diminished "civil rights", and thereby created a

contractual nexus within equity law under Section 4 of the 14th Amendment to violate the prohibitions against direct taxation found in Article 1, Section 2, Clause 3 and Article 1, Section 9, Clause 4 of the Constitution. I am not a freed slave nor do I want to be treated as a second class citizen with diminished rights like the freed slaves were, with no Bill of Rights (unalienable Rights). Shame upon said officers for trying to use the 14th Amendment to *entice me into slavery to the de facto government*!

> *"Single acts of tyranny may be ascribed to the accidental opinion of a day. But a series of oppressions, pursued unalterably through every change of ministers, too plainly proves a deliberate systematic plan of reducing us to slavery".* – ***Thomas Jefferson***

Said officers allowed a corrupt, lame-duck secretary of state, Philander Knox, to fraudulently ratify the 16th Amendment in 1913. When the Supreme Court would not authorize the direct tax they sought using the 16th Amendment, they obfuscated the IRC to fool law-abiding Citizens into thinking that they were liable for a tax that was not applicable to them; the result of which is an incomprehensible tax code and the treasonous confiscation and redistribution of America's wealth to satisfy the insatiable greed of the International Bankers, whom said officers serve rather than "American Citizens".

Said officers subsequently sold America into debtor slavery by passing the Federal Reserve Act of 1913, which turned over control of our nation's money supply to PRIVATE banking interests which said officers have refused to

audit or oversee[106]. This was one of the greatest acts of treason said officers have ever committed/supported. In the process, said officers lawlessly and illegally delegated powers that they had ***no constitutional authority*** to delegate and which violated the public trust. **Thomas Jefferson** warned of this evil, when he said:

> *"If the American people ever allow private banks to control the issue of their currency first by inflation and then by deflation, the banks and corporations that will grow up around them will deprive the people of all property until their children will wake up homeless on the continent their fathers conquered"* ***Thomas Jefferson*** *in 1802 in a letter to then Secretary of the Treasury, Albert Gallatin*

In 1929, said officers allowed the FED to manipulate the money supply so low as to create an induced national crisis and depression which then became the nexus to further illegally expand the powers of the national government. Said officers then offered up the American States, and therefore the property of all the inhabitants, as collateral to pay the foreign International Bankers in 1933. In that same year, on March 9, 1933, said officers passed the Trading with the Enemy Act to create a state of national emergency. Said officers used this as an opportunity to plunder all the gold and silver from sovereign Citizens and thereby coerce them to accept the paper money they didn't want and which the Constitution did not authorize. That state of national emergency, still in

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[106] The Federal Reserve Bank, which is not "Federal", has no reserves and is not a "Bank", has never been audited by the U.S. government since it was created in 1913.

effect today, illegally expanded the powers of the president and the national government under the guise of a government-induced national emergency. Hitler did the same thing when he passed Article 48, the German Emergency Power Law:

> *"If the public safety and order in the German Reich are seriously disturbed or endangered, the President of the Reich may . . . suspend in whole or in part the fundamental rights established [including] inviolability of person, inviolability of domicile, freedom of opinion and expression, freedom of assembly and association, secrecy in communication and inviolability of property."*

Said officers then abused this crisis and, through demagoguery and lies, implemented the *Social Security system* that, like a cancer, began eating away at our liberty in the slow death of our Republic. This began the relentless march of the *totalitarian socialist democracy* in which we now find ourselves. Said officers lied when they started the Social Security program by telling us that the SSN would *NOT* be used for identification. Now, said officers have written all kinds of statutes that make it nearly impossible to function in our society without the SSN. Now everyone is compelled to apply for and to obtain a SSN in full violation of the statutes which govern the actions of public servants and 14th Amendment citizens.

Said officers authorized the private Federal Reserve Banks, to control the issue of our currency, by inflation and deflation and fiat *de facto* dollars (FRNs), to the extent that people today are being deprived of all their property, driven homeless, and controlled by the very same banking cartel that forced our forefathers to seek refuge in America, all to pay said officers' bankruptcy which is not

ours/mine. The International Bankers' manipulation of the money supply has introduced a new kind of invisible tax called inflation that amounts to about 3 percent per year, but which would not occur if said officers had followed the Constitution and only allowed the issuing of gold or silver money.

Said officers have created, by sophistry, a class of people known as United States citizens that has caused domestic unrest amongst those of us who still call ourselves Americans. Americans threw off all Kings over two hundred years ago, only to be enslaved again by men of a despicable political kind.

Said officers have caused the bankrupt status of not only the 50 American State governments but they put all Americans into involuntary bankruptcy and forced us/me into slavery, peonage, and involuntary servitude because they destroyed and confiscated all substance from our currency.

Through the unconstitutional operation of UNITED STATES tax laws upon American Citizens in the freely associated united States and the *quasi*-requirement to use a SSN, said officers have conspired to deprive Americans of their privacy by making it virtually impossible to conduct a financial transaction in privacy, as guaranteed by the Constitution. Because said officers have made it impossible for anyone to quit the Social Security Program (with exception of fraud as identified supra), said officers have, in effect, virtually *outlawed personal responsibility*.

Said officers have caused injustice by converting constitutionally mandated Common Law judicial courts of due process into Contract Courts dealing only in a bastardized form of Equity Law. Said officers have overlooked

the tyranny, debauchery, and transgressions of these courts and thereby transformed our nation into a government of men instead of Law. Said officers have failed to correct injustice in the Supreme Court when it denied *certiorari*[107] for cases which it clearly should have heard, especially as it relates to taxation and appeal from the circuit courts. The federal courts have thereby become an arm of the Executive branch, indicated by the Executive gold fringed flag and seal, and not the arm of independent justice under God's Law of Natural right. Said officers have hidden the true justice in the courts at law, as true despots do, so that a man of average or above average intelligence cannot find the true Courts or obtain due process. They have replaced the Courts with international vice-admiralty tribunals because of the compacts with foreign powers, to which, SAID OFFICERS, under the guise of government, have become servant; this then makes the judges nothing more than civil affairs operatives under military power, and they too are not registered, in violation of the Foreign Registration Laws of this country.

The majority of said officers (legislators, lawyers, judges, prosecutors, Governors and Presidents [see Section 5.1]) belong to the private American BAR Association, which exclusively writes the laws for America, then rubber stamp them under the guise of a representative Congress of the people in direct violation of the Constitution and in violation of said officers oaths they pretend to take.

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[107] The name of a writ issued by a superior court directing an inferior court to send up to the former some pending proceeding for review or trial.

Said officers have given exclusive power to litigate cases before tribunals/courts to the BAR Association, to which most of said officers and government public servants belong. This is in violation of the Titles of Nobility Clauses of the organic Constitution, which deprives me of the counsel of my choice and of due process.

Said officers have allowed non-agency IRS[108] to attempt to collect from me a portion of the UNITED STATES debt, to which I never agreed or consented, which would eat out my substance, all in order to pay for said officers' greed, in violation of their peonage laws. This same IRS illegally enforces an income tax with no delegated authority[109] and with complete contempt for my God-given Rights to property, as protected by the Constitution. Said officers have looked the other way while this agency (IRS) and the federal courts raped and pillaged Americans because said officers didn't have the decency to control their own lust for power and money and the debt that feeds it, which must be paid off with extorted tax dollars.

Said officers have twisted the definitions of words (see Section 3.2.4 and 3.2.5), as true sophisticates, to suit the means by which said officers enslave the masses. These actions deprive Citizens of the right to: travel, work, farm, own property in allodium, free from taxation, as it should be, and to be left alone.

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[108] The IRS was not created by an act of Congress and therefore is not a duly created government agency.

[109] The Constitution grants Congress the power to collect taxes and this is a power which they have no authority to delegate to the executive branch.

Said officers create numerous new crimes under a plethora of statutes (which have never been crimes in any civilization for thousands of years), then coerce us/me to sign instruments containing perjury statements under this private law, against my consent, or risk being fined or jailed, in order to live.

Said officers have destroyed my freedom and unalienable (nontransferable) Rights which were given to men (male/female) by their Creator, by said officers' alleged arbitrary dominion over me and my property.

Said officers have brought our nation full circle in their absolute despotism when imprisoning and killing innocent Americans for exercising their God-given unalienable Rights as protected by the Constitution.

Said officers have destroyed my Peace, Welfare, Dignity, and Happiness, to which the damage has been greater than mere money can repay. According to Natural Law and reason, said officers should be (should have been) tried for treason and punished accordingly for said seditious behavior, odious actions and contrived emergencies that have never been legally declared ended. Said officers have been deaf to the voice of Justice and of consanguinity. The time for correction is now! I must, therefore, denounce said officers' way against me and other Americans so I/we can live under the Creator's Laws.

Said officers, lawmakers, lawyers and judges, by their actions, have long relinquished their trust and have breeched their oath to "support and defend the Constitution of the United States." Therefore, I, an American Citizen/National (state Citizen), make this *Declaration* that I have regained my Sovereign status in America (the Republic), under the Creator's Law, and I will keep myself independent

from any *de facto* governments or any other unlawful forms of tyranny with whatever means necessary.

6 CONCLUSIONS

This ***FORMAL DECLARATION*** shall serve to inform all UNITED STATES federal and STATE Officers and their respective agents, that I am no longer a juristic person under UNITED STATES and [federal corporate sub-entity] STATE statutes. Further, I am no longer a juristic person under the international contractual obligations between the UNITED STATES, the STATE OF ARKANSAS or any other STATE, and the FED.

I, Donald Eugene White, *Sui juris*, a sovereign American Citizen/National (state Citizen) in the Arkansas state Republic, declare that I have reclaimed my "unalienable Rights" which include, but are not limited to, the right: to contract and not to contract; to marry; to earn a livelihood in any lawful calling; to own property; of freedom of travel, locomotion and movement on land, sea or air *[AmJur (1st series) Sec. 329, Personal liberty]*, to carry on business; to establish commerce; of freedom of speech; of freedom from governmental interference in exercise of intellect, information of opinions, in the expression of them, and in action or inaction dictated by judgment; of freedom from servitude, imprisonment or restraint; of freedom of occupation; of freedom of religious expression; of self-defense against unlawful violence; to bear arms; to use property according to the owner's will; etc.

It may have been reasonable to assume that I was property of the corporate STATE as long as I was unaware of my alleged status as a UNITED STATES citizen. However, now that the recent evidence of fraud, treason,

conspiracy, extortion, theft, and numerous other crimes by government agents (public servants) have been uncovered and exposed in this *Declaration*, due to my Expatriation and Repatriation, pursuant to 8 USCA §1481(a)(6), my status has been restored to my birthright status as a competent and unencumbered American Citizen/National (Arkansas state Citizen) and *sui juris*.

NOTICE TO THE PRINCIPAL
IS NOTICE TO THE AGENT
NOTICE TO THE AGENT
IS NOTICE TO THE PRINCIPAL
Applicable to all successors and assigns
Silence is Acquiescence

Subscribed and executed on this 12th day of March, in the year of our Lord, 2004.

/s/ Donald Eugene White
Donald Eugene White, In Propria Persona
Sui Juris

state: Arkansas)
) ss.
county: Benton)

Subscribed and sworn to before me this 12th day of March, in the year of our Lord, 2004.

/s/ Peggy Langham
Notary Public at large My Commission Expires: 09/07/09
11211 West Cherry Street
Rogers, Arkansas 72756

Seal:

OFFICIAL SEAL
PEGGY LANGHAM
NOTARY PUBLIC-ARKANSAS
BENTON COUNTY
MY COMM. EXPIRES 09/07/2009

AFFIDAVIT OF SERVICE

TO WHOM IT MAY CONCERN:

Be it known that on March ___, 2004, a true and original copy of my True Citizenship and Non-juristic Status, nunc pro tunc[2], was hand-delivered, served on and accepted by Attorney General John D. Ashcroft's designated officer of the (corporate) UNITED STATES[1], one, _____, _____ pursuant to and Compliance with 8 USCA § 1481(6).

Signature Printed Name

Subscribed and sworn to before me this ___th of March, in the year of our Lord, 2004.

_____

Notary Public at large My Commission expires: _____

Seal:

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[2] *See* page B-3.

[1] *Id.*

AFFIDAVIT OF SERVICE

BE IT KNOWN BY ALL THOSE CONCERNED:

That, in the absence of signature and due to the unwillingness of the Department of Justice personnel involved to sign or attest to receipt of prior AFFIDAVIT OF SERVICE on March 15, 2004, *Donald Eugene White, in propria persona*, did present to the designated officer of the UNITED STATES Attorney General, John D. Ashcroft, on March 15, 2004, in Washington, DC at 1331 Pennsylvania Avenue, NW, Room 520N, between 1:45 and 2:13 PM, his Declaration of True Citizenship and Non-juristic Status, personally attended and witnessed by me, according to 8 USCA § 1461(6), whose officer provided his contact information as follows and attached.

Barry C. Hansen
Attorney Advisor
DOJ/JMD/OGC
Office of General Counsel
US Department of Justice
1331 Pennsylvania Avenue, NW
Suite 520 N
Washington, DC 20004
(202) 514-3452

PERSONALLY WITNESSED BY ME

/s/ Anita J. Vedder
Anita Jean Vedder

/s/ Austa Marie White
Austa Marie White

Certificate of Notarial Service

Before me did the above witnesses appear, this 16th day of March, 2004, and affirm that the events truthfully occurred as described above, in Washington, DC yesterday, March 15, 2004, and that each was a personal witness to the same

described events of the presentation of said document, Declaration of True Citizenship and Non-juristic Status.

/s/ Kimberly S. Ingram
NOTARY Seal:

My commission expires: May 28, 2005

OFFICIAL SEAL
KIMBERELY S. INGRAM
NOTARY PUBLIC
DAVIDSON COUNTY
MY COMM. EXPIRES
05/28/2005

B-104

Austa M. White
Without Prejudice, UCC 1-207
In Care of 75 Davis Circle
Bella Vista, AR
72714-5611

March 12, 2004

Office of the Attorney General
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530-0001
202-353-1555

Attn: John D. Ashcroft, Attorney General, US Department of Justice of the [corporate] UNITED STATES

RE: Notice of Declaration of True Citizenship and Non-juristic Status.

Hand Delivered On March 15th, 2004 at the address shown above

Greetings, Mr. Attorney General:

You are hereby SERVED with the attached thirty-six (36) page "Declaration of True Citizenship and Non-juristic Status," hereinafter referred to as "Declaration," by and for Austa Marie White. This Declaration now serves as FORMAL and ACTUAL NOTICE to the statutorily designated officer of the [corporate] UNITED STATES[1], of my True Citizenship and Non-juristic Status, nunc pro tunc[2],

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[1] The term "UNITED STATES" (within this document) when spelled in all UPPERCASE letters refers to the de facto [corporate] United States with jurisdiction only in Washington, D.C. and the Territories.

[2] "Latin, Now for then'. A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect; i.e, with the same effect as if regularly done". Black's Law Dictionary 5th Edition.

which I now claim and assert pursuant to the recent exposure and vitiation of the fraudulent contracts and indentures which have been unlawfully thrust upon me for years (without full disclosure and without my knowledge and consent) by the [corporate] UNITED STATES government in an attempt by said government to make me an incompetent "child of the STATE". This document completely and unequivocally establishes me, Austa Marie White, as a Sui juris[3]-American Citizen/National (state Citizen)[4] in the Republic of the freely associated united States, and in particular, the Arkansas state (Republic). As such, I am NOT an artificial/fictitious/juristic person within the jurisdiction of the UNITED STATES[5] and its affiliate [federal corporate sub-entity] STATES.

Over the past 160 years or so, a sinister malfeasance of incredible proportion has taken place in America – the net result of which is that the once free and independent American people have been transmogrified into little more than indentured tax slaves of the *de facto* [corporate] UNITED STATES federal government.

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[3] "Of his own right; possessing full social and civil right; not under any legal disability, or the power of another, or guardianship." Black's Law Dictionary, 5th Edition.

[4] The term Citizen as used throughout this Declaration has the meaning of a living man (Female) who is "One of the sovereign people. A constituent member of the sovereignty synonymous with the people. Scott v. Sandford, 19 How. 404, 15 L. Ed. 691" Black's Law Dictionary 3 rd Edition. I am an unencumbered Citizen within the Republic (as guaranteed by the Constitution; Art. IV, Section 4) and NOT a 14th Amendment citizen or subject of the Legislative Democracy of the U.S. Federal government.

[5] The Jurisdiction of the UNITED STATES is limited to Washington, D.C. and the Territories (see Art. I, Section 8, Clause 17 of the Constitution for the United States).

Having recently come to an understanding of what has happened to America's freedom while we (and our forebears) were all "asleep," I must lodge my complaint and this FORMAL and ACTUAL NOTICE of Declaration in the only peaceful way I know how: to serve OFFICIAL NOTICE upon the statutory [corporate] UNITED STATES Officer, pursuant to 8 USCA §1481(6), – under martial rule, that would be you, Sir, – that the newly discovered fraud which has for years been perpetrated against me in the form of undisclosed contracts and indentures are hereby vitiated, ab initio[6], for fraud, and that I am hereby and forthwith separated from the *de facto* [corporate] UNITED STATES federal citizenship, nunc pro tunc[7], which citizenship was unlawfully thrust upon me by those who perpetuated a grievous fraud against me – without my knowledge or consent.

To clarify which UNITED STATES I am expatriating from, I submit the following:

The U.S. supreme Court declared in the case of *Hooven and Allison v. Evatt*[8] that:

> *The term 'United States' may be used in any one of several senses. It may be merely:*
>
> *[1] the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations (hereinafter referred to as "United States or United States of America"), or*

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[6] Latin From the beginning.

[7] Ibid 2.

[8] *Hooven & Allison Co. v. Evatt,* U.S.Ohio, 324 U.S. 652, 65 S.Ct. 870, 880, 89 L.Ed. 1252.

[2] *it may designate the territory over which the sovereignty of the United States extends [324 U.S. 652, 672], (hereinafter referred to as "UNITED STATES"); or,*

[3] *it may be the collective name of the states which are united by and under the Constitution. (hereinafter referred to as "United States of America")*

Be advised that I am not expatriating from the United States or these united States of America the country (the first and third definitions above). I am expatriating from the municipal corporation (*de facto* UNITED STATES and its [federal corporate sub-entity] STATES) which is the second definition above. The UNITED STATES is located and has jurisdiction only in the District of Columbia, U.S. military bases, federal territories and other areas (land) ceded to the United States of America. UNITED STATES citizenship is derived from section 1 of the 14th Amendment to the Constitution.

To remove all doubt, the municipal corporation from which I am expatriating is described in *U.S.C. Title 28, §3002.* Definitions as follows:

(15) "United States" means –

(A) a Federal corporation;

(B) an agency, department, commission, board, or other entity of the United States; or

(C) an instrumentality of the United States.

My allegiance is to the Arkansas state (Republic) and then to these united States of America as they each submit to and adhere to the limitations on their respective powers as set forth in the Constitution for the United States.

Be advised that in all future interaction with the government, if the term "U.S. CITIZEN" appears in all capitals on any form or application, including, but not limited to, voter registration, driver's license, etc, then the meaning attributed to such ambiguity (given the three definitions of "United States" above) by me and by implication also you and your agents, shall *NOT* be that of a 14th Amendment citizen or a "UNITED STATES citizen", but rather that of an "American Citizen/National (state Citizen)", "United States Citizen" or "united States of America Citizen" until or unless a contrary intent is *clearly expressed* by the government to remove all ambiguity created by the use of all capital letters. This also applies retroactively to any government forms I may have completed in the past. Thus, I will *not be jeopardizing the state Citizenship status established in this Declaration by any interaction with the government either in the pastor in the future*. The government is chargeable with full knowledge of this reality in all its dealings with me as an American Citizen/National (state Citizen).

In the highly unlikely event that I overlooked key information during my exhaustive research, and government agencies did, in fact, fully disclose to me their intention to disconnect me from my birthright and God-given and constitutionally protected unalienable rights, and instead virtually enslave me, and should you find this *Declaration* to be deficient or insufficient in any way to accomplish the changes in your documentation necessary to correctly reflect my citizenship as an "American Citizen/ National (state Citizen)", then you are hereby directed to notify me in writing within twenty (20) days from the date this *Declaration* and ACTUAL NOTICE is hand delivered to you if you have any evidence, questions, rebuttals,

corrections, disputes, or other information to the contrary, regarding my birthrights and this *Declaration of True Citizenship and Non-juristic Status.*

Under the Uniform Commercial Code (UCC), §1-205, your failure to respond in writing by midnight twenty (20) days from the date this Declaration and ACTUAL NOTICE is hand delivered to you shall:

- Cause the permanent forfeit any and all claims by the UNITED STATES and its [federal corporate sub-entity] STATE governments to the contrary;
- Constitute an affirmative act of approval of and compliance with the wishes expressed by me in this Declaration of True Citizenship and Non-juristic Status;
- Establish that this Declaration is in full force and effect; further, this evidence (Declaration) setting forth my lawful status as a fully competent sovereign[9] American Citizen (National (state Citizen) – Expatriated, Repatriated and restored to my full and unprejudiced birthright – is firmly established in law.

Should you respond as directed above, you must:

1. Address all correspondence to the mailing location EXACTLY as indicated in the letterhead above;
2. Personally sign any correspondence you send to me;

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[9] That is, a part of the collective sovereignty called "We the People" and not an individual king or queen Sovereign.

3. Include references to the law, Code of Federal Regulations, and the Federal Register which requires any additional information or forms you are requesting or which directly rebuts this Declaration; and

4. Use an OMB-approved document which complies with the requirements of the Paperwork Reduction Act by stating whether disclosing the information is "mandatory" or "voluntary", the code or regulation requiring disclosure if mandatory, and by providing an OMB control number and expiration date clearly visible on the form.

Upon your failure to serve me with your timely written objections by midnight twenty (20) days from the date this Declaration and ACTUAL NOTICE is hand delivered to you, you are hereby directed to adjust all records within the jurisdiction of the UNITED STATES including, but not limited to, Social Security Administration, Internal Revenue Service (IRS), The State Department, and the [federal corporate sub-entity] STATES to reflect my correct state Citizenship and fully competent and non-juristic status.

NOTICE TO THE PRINCIPAL IS
NOTICE TO THE AGENT
NOTICE TO THE AGENT IS
NOTICE TO THE PRINCIPAL
Applicable to all successors and assigns
Silence is Acquiescence

Thank you for your cooperation in this matter.

Sincerely,

/s/ Austa Marie White
Austa Marie White
Without Pre[illegible]ice, UCC 1-207
In Care O[illegible]75 Davis Circle
Bella Vista, Arkansas
Pz [72714-5611]

NOTARIAL AFFIDAVIT

COUNTY OF BENTON)
) SS
STATE OF ARKANSAS)

BE IT KNOWN that:

On this 12th day of March, 2004, did appear before me, one, *Austa White*, known to be or proved to me, to be one and the same, who affirmed under penalties of perjury of the UNITED STATES AND the STATE OF ARKANSAS, that the statements made herein are true, correct and complete and without distortion or omission

SUBSCRIBED AND AFFIRMED before me:

/s/ Peggy Langham
Notary Public in and for the State of Arkansas

Address: 11211 West Cherry Street
Rogers, Arkansas 72756

Seal:

My Commission Expires: 09/07/09

OFFICIAL SEAL
PEGGY LANGHAM
NOTARY PUBLIC-ARKANSAS
BENTON COUNTY
MY COMM. EXPIRES 09-07-2009

Anita Jean Vedder
Without prejudice
1000 Kilgrow Ct.
Smyrna, Tennessee [37167]

June 17, 2002

Executive Office of the President
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Attn: George W. Bush, President of the [corporate] UNITED STATES

RE: Notice of *Declaration of True Citizenship and Non-juristic Status.*

SENT: Registered mail, return receipt requested #RR584-483-167-US

Greetings, Mr. President:

You are hereby SERVED with the attached thirty-eight (38) page "*Declaration of True Citizenship and Non-juristic Status,*" hereinafter referred to as "*Declaration,*" by and for Anita Jean Vedder. This *Declaration* now serves as FORMAL and ACTUAL NOTICE to the highest administrative [corporate] UNITED STATES[1] Officer, of my *True Citizenship and Non-juristic Status, nunc pro tunc,*[2] which I now claim and assert pursuant to the recent exposure and vitiation of the fraudulent contracts and indentures

[1] The term "UNITED STATES" (within this document) when spelled in all UPPERCASE letters refers to the *de facto* [corporate] United States with jurisdiction only in Washington, D.C. and the Territories.

[2] "Latin, 'Now for then'. A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect; i.e., with the same effect as if regularly done". *Black's Law Dictionary* 5th Edition.

which have been unlawfully thrust upon me for years (without full disclosure and without my knowledge and consent) by the [corporate] UNITED STATES government in an attempt by said government to make me an incompetent "child of the STATE". This document completely and unequivocally establishes me, Anita Jean Vedder, as a *Sui juris*[3] American Citizen/National (state Citizen)[4] in the Republic of the freely associated united States and in particular, the Tennessee state (Republic). As such, **I am NOT an artificial/fictitious/juristic person within the jurisdiction of the UNITED STATES[5] and its affiliate [federal corporate sub-entity] STATES.**

Over the past 160 years or so, a sinister malfeasance of incredible proportion has taken place in America – the net result of which is that the once free and independent American people have been transmogrified into little more than indentured tax slaves of the *de facto* [corporate] UNITED STATES federal government.

Having recently come to an understanding of what has happened to America's freedom while we (and our

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[3] "Of his own right; possessing full social and civil right; not under any legal disability, or the power of another, or guardianship." *Black's Law Dictionary,* 5th Edition.

[4] The term Citizen as used throughout this *Declaration* has the meaning of a living man (Female) who is "One of the sovereign people. A constituent member of the sovereignty synonymous with the people. *Scott v. Sandford,* 19 How., 404, 15 L. Ed. 691" Black's Law Dictionary 3rd Edition. I am an unencumbered Citizen within the Republic (as guaranteed by the Constitution; Art. IV, Section 4) and NOT a 14th Amendment citizen or subject of the Legislative Democracy of the U.S. Federal government.

[5] The Jurisdiction of the UNITED STATES is limited to Washington, D.C. and the Territories (see Art. I, Section 8, Clause 17 of the Constitution for the United States).

forebears) were all "asleep," I must lodge my complaint and this FORMAL and ACTUAL NOTICE of *Declaration* in the only peaceful way I know how: to serve OFFICIAL NOTICE upon the chief [corporate] UNITED STATES Officer – that would be you, Mr. President – that the newly discovered fraud which has for years been perpetrated against me in the form of undisclosed contracts and indentures are hereby vitiated, *ab initio*[6], for fraud, and that I am hereby and forthwith separated from the *de facto* [corporate] UNITED STATES federal citizenship, *nunc pro tunc*[7], which citizenship was unlawfully thrust upon me by those who perpetuated a grievous fraud against me – without my knowledge or consent.

To clarify which UNITED STATES I am expatriating from, I submit the following:

> The U.S. supreme Court declared in the case of *Hooven and Allison v. Evatt*[8] that:
>
> > *The term 'United States' may be used in any one of several senses. It may be merely:*
> >
> > [*1*] *the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations (hereinafter referred to as "United States or United States of America"), or*
> >
> > [2] *it may designate the territory over which the sovereignty of the United States*

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[6] *Latin* From the beginning.

[7] Ibid 2.

[8] *Hooven & Allison Co. v. Evatt,* U.S.Ohio, 324 U.S. 652, 65 S.Ct. 870, 880, 89 L.Ed. 1252.

> *extends* [*324 U.S. 652, 672*], *(hereinafter referred to as "UNITED STATES"); or,*
>
> [*3*] *it may be the collective name of the states which are united by and under the Constitution. (hereinafter referred to as "united States of America")*

Be advised that I am not expatriating from the United States or these united States of America the country (the first and third definitions above). I am expatriating from the municipal corporation (*de facto* UNITED STATES and its [federal corporate sub-entity] STATES) which is the second definition above. The UNITED STATES is located and has jurisdiction only in the District of Columbia, U.S. military bases, federal territories and other areas (land) ceded to the United States of America. UNITED STATES citizenship is derived from section 1 of the 14th Amendment to the Constitution.

To remove all doubt, the municipal corporation from which I am expatriating is described in *U.S.C. Title 28, §3002.* Definitions as follows:

> (*15*) ***"United States" means*** **–**
>
> (*A*) ***a Federal corporation;***
>
> (*B*) *an agency, department, commission, board, or other entity of the United States; or*
>
> (*C*) *an instrumentality of the United States.*

My allegiance is to the Tennessee state (Republic) and then to these united States of America as they each submit to and adhere to the limitations on their respective powers as set forth in the Constitution for the United States.

Be advised that in all future interaction with the government, if the term "U.S. CITIZEN" appears in all capitals on any form or application, including, but not limited to, voter registration, driver's license, etc, then the meaning attributed to such ambiguity (given the three definitions of "United States" above) by me and by implication also you and your agents, shall *NOT* be that of a 14th Amendment citizen or a "UNITED STATES citizen", but rather that of an "American Citizen/National(state Citizen)", "United States Citizen" or "united States of America Citizen" until or unless a contrary intent is *clearly expressed* by the government to remove all ambiguity created by the use of all capital letters. This also applies retroactively to any government forms I may have completed in the past. Thus, I will *not be jeopardizing the state Citizenship status established in this Declaration by any interaction with the government either in the past or in the future*. The government is chargeable with full knowledge of this reality in all its dealings with me as an American Citizen/National(state Citizen).

In the highly unlikely event that I overlooked key information during my exhaustive research, and government agencies did, in fact, fully disclose to me their intention to disconnect me from my birthright and God-given and constitutionally protected unalienable rights, and instead virtually enslave me, and should you find this *Declaration* to be deficient or insufficient in any way to accomplish the changes in your documentation necessary to correctly reflect my citizenship as an "American Citizen/National(state Citizen)", then you are hereby directed to notify me in writing within twenty (20) days from the date this *Declaration* and ACTUAL NOTICE was mailed to you if you have any evidence, questions, rebuttals,

corrections, disputes, or other information to the contrary, regarding my birthrights and this *Declaration of True Citizenship and Non-juristic Status.*

Under the Uniform Commercial Code (UCC), § 1-205, your failure to respond in writing by midnight twenty (20) days from the date this Declaration and ACTUAL NOTICE was mailed to you shall:

- Cause the permanent forfeit any and all claims by the UNITED STATES and its [federal corporate sub-entity] STATE governments to the contrary;
- Constitute an affirmative act of approval of and compliance with the wishes expressed by me in this *Declaration of True Citizenship and Non-juristic Status*;
- Establish that this *Declaration* is in full force and effect further, this evidence (*Declaration*) setting forth my lawful status as a fully competent sovereign[9] American Citizen/National (state Citizen) – Expatriated, Repatriated and restored to my full and unprejudiced birthright – is firmly established in law.

Should you respond as directed above, you must:

1. Address all correspondence to the mailing location *EXACTLY* as indicated in the letterhead above;
2. Personally sign any correspondence you send to me;

[9] That is, a part of the collective sovereignty called "We the People" and not an individual king or queen Sovereign.

3. Include references to the law, Code of Federal Regulations, and the Federal Register which requires any additional information or forms you are requesting or which directly rebuts this *Declaration*; and

4. Use an *OMB-approved document* which complies with the requirements of the Paperwork Reduction Act by stating whether disclosing the information is "mandatory" or "voluntary", the code or regulation requiring disclosure if mandatory, and by providing an OMB control number and expiration date clearly visible on the form.

Upon your failure to serve me with your timely written objections by midnight twenty (20) days from the date this *Declaration* and ACTUAL NOTICE was mailed to you, you are hereby directed to adjust all records within the jurisdiction of the UNITED STATES including, but not limited to, Social Security Administration, Internal Revenue Service (IRS), The State Department, and the [federal corporate sub-entity] STATES to reflect my correct state Citizenship and fully competent and non-juristic status.

NOTICE TO THE PRINCIPAL
IS NOTICE TO THE AGENT
NOTICE TO THE AGENT
IS NOTICE TO THE PRINCIPAL
Applicable to all successors and assigns
Silence is Acquiescence

Thank you for your cooperation in this matter.

Sincerely,
/s/ Anita Jean Vedder
Anita Jean Vedder

Without prejudice
1000 Kilgrow Ct.
Smyrna, Tennessee [37167]

Enc: Declaration of True Citizenship and Non-Juristic Status pages 4-38

Anita Jean Vedder
Without prejudice
1000 Kilgrow Ct.
Smyrna, Tennessee [37167]

July 1, 2002

Chief Justice William Hubbs Rehnquist
Supreme Tribunal/court of the United States
U.S. Supreme Court Bldg.
1 First Street N.E.
Washington, D.C. 20543

RE: Notice of *Declaration of True Citizenship and Non-juristic Status.*

SENT: Registered mail, return receipt requested #RR584-483-309-US

Greetings, Justice Rehnquist:

On June 24, 2002, I served President George W. Bush with my *"Declaration of True Citizenship and Non-juristic Status"* (see Attachment "A"), *expatriating* from the [corporate] UNITED STATES. You likewise are hereby SERVED with the attached *"Declaration of True Citizenship and Non-juristic Status,"* hereinafter referred to as *"Declaration,"* by and for Anita Jean Vedder. This *Declaration* now serves as FORMAL and ACTUAL NOTICE to the Chief Judicial [corporate] UNITED STATES Officer, of my *True Citizenship and Non-juristic Status, nunc pro tunc,*[1] which I now claim and assert pursuant to the recent exposure and vitiation of the fraudulent contracts and indentures which have been unlawfully thrust upon me (without full

[1] "Latin 'Now for then' A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect, i.e., with the same effect as if regularly done." *Black's Law Dictionary,* 5th Edition.

disclosure and without my knowledge and consent) by the [corporate] UNITED STATES government throughout my life. This document completely and unequivocally establishes me, Anita Jean Vedder, as a *Sui juris*[2] American National (state Citizen)[3] in the Republic of the several union states and in particular, Tennessee state (Republic). As such, **I am NOT an artificial/fictitious/juristic person within the jurisdiction of the UNITED STATES and its affiliate [federal corporate subentity] STATE Tribunals/courts.**

Over the past 160 years or so, a sinister malfeasance of incredible proportion has taken place in America – the net result of which is that the once free and independent Peoples of America have been transmogrified into little more than indentured tax slaves of the *de facto* [corporate] UNITED STATES federal government.

Having recently come to a clearer understanding of what has happened to America's freedom while we (and our forebears) were all "asleep," I must lodge my complaint and this ACTUAL NOTICE of *Declaration* in the only peaceful way I know how: serve OFFICIAL NOTICE upon the Chief Judicial [corporate] UNITED STATES Officer – that would be you, Mr. Rehnquist – that the newly discovered fraud which has for decades been perpetrated against me in the form of undisclosed contracts and indentures are

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[2] "Of his own right; possessing full social and civil right; not under any legal disability, or the power of another, or guardianship." *Black's Law Dictionary*, 5th Edition.

[3] To be completely clear, I am an unencumbered Citizen within the Republic (as guaranteed by the Constitution; Art IV Section 4) and not a citizen or subject of the Legislative Democracy of the U.S. Federal government.

hereby vitiated, *ab initio*[4], for fraud, and that I am hereby and forthwith separated from the *de facto* [corporate] UNITED STATES federal citizenship, *nunc pro tunc,* which citizenship was unlawfully thrust upon me by those who perpetuated a grievous fraud against me – without my knowledge or consent.

To clarify which UNITED STATES I am expatriating from, I submit the following:

> The U.S. supreme Court declared in the case of *Hooven and Allison v. Evatt*[5] that:

* * *

[4] Lat. From the beginning

[5] *Hooven & Allison Co. v. Evatt,* U.S.Ohio, 324 U.S. 652, 65 S.Ct. 870, 880, 89 L.Ed. 1252

B-123

Anita Jean Vedder
Without prejudice
1000 Kilgrow Ct.
Smyrna, Tennessee [37167]

July 1, 2002

Commissioner of Internal Revenue Service
c/o 1111 Constitution Ave. N.W.
Washington, D.C. 20224

Attn: IRS Commissioner, Charles O. Rossotti (or current office holder)

RE: Notice of *Declaration of True Citizenship and Non-juristic Status,* and Liability of federal taxes

SENT: Registered mail, return receipt requested #RR584-483-312-US

Dear Commissioner & To Whom It May Concern,

On June 24, 2002, I served President George W. Bush with Notice of my "*Declaration of True Citizenship and Non-juristic Status*" (see Attachment "A"), *expatriating* from the [corporate] UNITED STATES. On July 1, 2002, I also served Chief Justice Rehnquist of the Supreme Tribunal/court of the UNITED STATES with Notice of my "*Declaration of True Citizenship and Non-juristic Status*" (see Attachment "B"). You likewise, as the Commissioner of the Internal Revenue are hereby SERVED with the attached "*Declaration of True Citizenship and Non-juristic Status*," hereinafter referred to as "*Declaration*," by and for Anita Jean Vedder. This *Declaration* now serves as FORMAL and ACTUAL NOTICE to you that I am a *Sui*

juris[1] American National (state Citizen)[2], **and I am NOT an artificial/fictitious/juristic person or a 14th Amendment UNITED STATES citizen.** As such, **I am not subject to the federal income tax system or the jurisdiction of the Internal Revenue Service.**

Having recently come to a clearer understanding of what has happened to America's freedom while we (and our forebears) were all "asleep," I must lodge my complaint and this *Declaration* in the only peaceful way I know how: to serve OFFICIAL NOTICE upon the [corporate] UNITED STATES Commissioner of the Internal Revenue – that would be you, Mr. Rossotti – that the newly discovered fraud which has for decades been perpetrated against me in the form of undisclosed contracts and indentures are hereby vitiated, *ab initio*[3], for fraud, and that I am hereby and forthwith separated from the *de facto* [corporate] UNITED STATES federal citizenship, *nunc pro tunc*[4], which citizenship was unlawfully thrust upon me by those who perpetuated a grievous fraud against me – without my knowledge or consent.

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[1] "Of his own right; possessing full social and civil right; not under any legal disability, or the power of another, or guardianship." *Black's Law Dictionary*, 5th Edition

[2] To be completely clear. I am an unencumbered Citizen within the Republic (as guaranteed by the Constitution; Art. IV Section 4) and not a citizen or subject of the Legislative Democracy of the U.S. Federal government.

[3] *Latin* From the beginning

[4] "Latin 'Now for then' A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect, i.e., with the same effect as if regularly done." *Black's Law Dictionary*, 5th Edition.

To clarify which UNITED STATES I am expatriating from, I submit the following:

> The U.S. supreme Court declared, in the case of *Hooven and Allison v. Evatt*,[5] that:
>
> > *The term 'United States' may be used in any one of several senses. It may be merely:*
> >
> > *[1] the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations (hereinafter referred to as "United States or United States of America");*
> >
> > *[2] It may designate the territory over which the sovereignty of the United States extends [324 U.S. 652, 672], (hereinafter referred to as "UNITED STATES"); or,*
> >
> > *[3] it may be the collective name of the states which are united by and under the*
> >
> > * * *

[5] *Hooven & Allison Co. v. Evatt*, U.S.Ohio, 324 U.S. 652, 65 S.Ct 870, 880, 89 L.Ed. 1252.

Anita Jean Vedder
Without prejudice
1000 Kilgrow Ct.
Smyrna, Tennessee [37167]

July 1, 2002

Chief Justice Frank F. Drowota, III
Supreme Tribunal/court of the STATE OF TENNESSEE
318 Supreme Court Building
401 7th Ave. No.
Nashville, TN 37219

RE: Notice of *Declaration of True Citizenship and Non-juristic Status.*

SENT: Registered mail, return receipt requested #RR 584-483-330-US

Greetings, Chief Justice Drowota, III:

On June 24, 2002, I served President George W. Bush with Notice of my "*Declaration of True Citizenship and Non-juristic Status*" (see Attachment "A"), *expatriating* from the [corporate] UNITED STATES. On July 1, 2002, I also served Chief Justice Rehnquist of the Supreme Tribunal/court of the UNITED STATES and Governor Sundquist, Chief Executive Officer of the [*federal corporate sub-entity*] STATE OF TENNESSEE, with Notice of my "*Declaration of True Citizenship and Non-juristic Status*" (see Attachment "B"). You likewise are hereby SERVED with the attached "*Declaration of True Citizenship and Non-juristic Status*," hereinafter referred to as "*Declaration*," by and for Anita Jean Vedder. This *Declaration* now serves as FORMAL and ACTUAL NOTICE to the Chief Judicial [federal corporate sub-entity] STATE OF TENNESSEE Officer, of my *True Citizenship and Non-juristic Status,*

nunc pro tunc,[1] which I now claim and assert pursuant to the recent exposure and vitiation of the fraudulent contracts and indentures which have been unlawfully thrust upon me (without full disclosure and without my knowledge and consent) by the [federal corporate sub-entity] STATE governments throughout my life. This document completely and unequivocally establishes me, Anita Jean Vedder, as a *Sui juris*[2] American National (state Citizen)[3] in the Republic of the several union states and in particular, Tennessee state (Republic). As such, **I am NOT an artificial/fictitious/juristic person within the jurisdiction of the UNITED STATES and its affiliate [federal corporate sub-entity] STATE Tribunals/courts.**

Over the past 160 years or so, a sinister malfeasance of incredible proportion has taken place in America – the net result of which is that the once free and independent Peoples of America have been transmogrified into little more than indentured tax slaves of the *de facto* [corporate] UNITED STATES federal government.

Having recently come to a clearer understanding of what has happened to America's freedom while we (and

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[1] "Latin 'Now for then' A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect, i.e., with the same effect as if regularly done" *Black's Law Dictionary*, 5th Edition.

[2] "Of his own right possessing full social and civil right not under any legal disability, or the power of another, or guardianship." *Black's Law Dictionary*, 5th Edition.

[3] To be completely clear, I am an unencumbered Citizen within the Republic (as guaranteed by the Constitution; Art. IV, Section 4) and not a citizen or subject of the Legislative Democracy of the U.S. Federal government.

our forebears) were all "asleep," I must lodge my complaint and this ACTUAL NOTICE of *Declaration* in the only peaceful way I know how: serve OFFICIAL NOTICE upon the Chief Judicial [federal corporate sub-entity] STATE Officer – that would be you, Mr. Drowota – that the newly discovered fraud which has for decades been perpetrated against me in the form of undisclosed contracts and indentures are hereby vitiated, *ab initio*[4], for fraud, and that I am hereby and forthwith separated from the *de facto* [corporate] UNITED STATES federal citizenship, *nunc pro tunc,* which citizenship was unlawfully thrust upon me by those who perpetuated a grievous fraud against me – without my knowledge or consent.

* * *

[4] *Latin* "From the beginning".

Anita Jean Vedder
Without prejudice
1000 Kilgrow Ct.
Smyrna, Tennessee [37167]

July 1, 2002

Don Sundquist, Governor of the STATE OF TENNESSEE
Office of the Governor
State Capitol
Nashville, TN 37243

RE: Notice of *Declaration of True Citizenship and Non-juristic Status.*

SENT: Registered mail, return receipt requested #RR 584-483-326-US

Greetings, Governor Sundquist:

On June 24, 2002, I served President George W. Bush with Notice of my "*Declaration of True Citizenship and Non-juristic Status*" (see Attachment "A"), *expatriating* from the [corporate] UNITED STATES. On July 1, 2002, I also served Chief Justice Rehnquist of the Supreme Tribunal/court of the UNITED STATES and Chief Justice Drowota, III, of the [*federal corporate sub-entity*] STATE OF TENNESSEE Supreme Tribunal/court, with Notice of my "*Declaration of True Citizenship and Non-juristic Status*" (see Attachment "B"). You likewise are hereby SERVED with the attached "*Declaration of True Citizenship and Non-juristic Status*," hereinafter referred to as "*Declaration*," by and for Anita Jean Vedder. This *Declaration* now serves as FORMAL and ACTUAL NOTICE to the Chief Executive [federal corporate sub-entity] STATE OF TENNESSEE Officer, of my *True Citizenship and Non-juristic*

Status, nunc pro tunc,[1] which I now claim and assert pursuant to the recent exposure and vitiation of the fraudulent contracts and indentures which have been unlawfully thrust upon me (without full disclosure and without my knowledge and consent) by the [federal corporate sub-entity] STATE governments throughout my life. This document completely and unequivocally establishes me, Anita Jean Vedder, as a *Sui juris*[2] American National (state Citizen)[3] in the Republic of the several union states and in particular, Tennessee state (Republic). As such, **I am NOT an artificial/fictitious/juristic person within the jurisdiction of the UNITED STATES and its affiliate [federal corporate sub-entity] STATE Tribunals/courts.**

Over the past 160 years or so, a sinister malfeasance of incredible proportion has taken place in America – the net result of which is that the once free and independent Peoples of America have been transmogrified into little more than indentured tax slaves of the *de facto* [corporate] UNITED STATES federal government.

Having recently come to a clearer understanding of what has happened to America's freedom while we (and

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[1] "Latin 'Now for then' A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect, i.e., with the same effect as if regularly done," *Black's Law Dictionary,* 5th Edition.

[2] "Of his own right; possessing full social and civil right; not under any legal disability, or the power of another, or guardianship." *Black's Law Dictionary*, 5th Edition.

[3] To be completely clear, I am an unencumbered Citizen within the Republic (as guaranteed by the Constitution; Art IV Section 4) and not a citizen or subject of the Legislative Democracy of the U.S. Federal government.

our forebears) were all "asleep," I must lodge my complaint and this ACTUAL NOTICE of *Declaration* in the only peaceful way I know how: serve OFFICIAL NOTICE upon the Chief Executive [federal corporate sub-entity] STATE Officer – that would be you, Mr. Sundquist – that the newly discovered fraud which has for decades been perpetrated against me in the form of undisclosed contracts and indentures are hereby vitiated, *ab initio*[4], for fraud, and that I am hereby and forthwith separated from the *de facto* [corporate] UNITED STATES federal citizenship, *nunc pro tunc*, which citizenship was unlawfully thrust upon me by those who perpetuated a grievous fraud against me – without my knowledge or consent.

To clarify which UNITED STATES I am expatriating from, I submit the following:

* * *

[4] *Latin* From the beginning

B-132

Anita Jean Vedder
Without Prejudice, UCC 1-207
In Care of 1000 Kilgrow Court
Smyrna, Tennessee
37167-5967

February 17, 2004

Office of the Attorney General
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530-0001
202-353-1555

Attn: John D. Ashcroft, Attorney General, US Department of Justice of the [corporate] UNITED STATES

RE: Notice of Declaration of True Citizenship and Non-juristic Status.

Hand Delivered On March 15, 2004 at the address shown above

Greetings, Mr. Attorney General:

You are hereby SERVED with the attached thirty-six (36) page "Declaration of True Citizenship and Non-juristic Status," hereinafter referred to as "Declaration," by and for Anita Jean Vedder. This Declaration now serves as FORMAL and ACTUAL NOTICE to the statutorily designated officer of the [corporate] UNITED STATES[1], of my True Citizenship and Non-juristic Status, nunc pro tunc[2],

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[1] The term "UNITED STATES" (within this document) when spelled in all UPPERCASE letters refers to the de facto [corporate] United States with jurisdiction only in Washington, D.C. and the Territories.

[2] "Latin, 'Now for then'. A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect; i.e,

(Continued on following page)

which I now claim and assert pursuant to the recent exposure and vitiation of the fraudulent contracts and indentures which have been unlawfully thrust upon me for years (without full disclosure and without my knowledge and consent) by the [corporate] UNITED STATES government in an attempt by said government to make me an incompetent "child of the STATE". This document completely and unequivocally establishes me, Anita Jean Vedder, as a Sui juris[3] American Citizen/National (state Citizen)[4] in the Republic of the freely associated united States, and in particular, the Tennessee state (Republic). As such, I am NOT an artificial/fictitious/juristic person within the jurisdiction of the UNITED STATES[5] and its affiliate [federal corporate sub-entity] STATES.

Over the past 160 years or so, a sinister malfeasance of incredible proportion has taken place in America – the net result of which is that the once free and independent American people have been transmogrified into little more

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with the same effect as if regularly done". Black's Law Dictionary 5th Edition

[3] "Of his own right; possessing full social and civil right; not under any legal disability, or the power of another, or guardianship." Black's Law Dictionary, 5th Edition.

[4] The term Citizen as used throughout this Declaration has the meaning of a living man (Female) who is "One of the sovereign people. A constituent member of the sovereignty synonymous with the people. Scott v. Sandford, 19 How. 404, 15 L. Ed. 691" Black's Law Dictionary 3rd Edition. I am an unencumbered Citizen within the Republic (as guaranteed by the Constitution; Art. IV, Section 4) and NOT a 14th Amendment citizen or subject of the Legislative Democracy of the U.S. Federal government.

[5] The Jurisdiction of the UNITED STATES is limited to Washington, D.C. and the Territories (see Art. I, Section 8, Clause 17 of the Constitution for the United States).

than indentured tax slaves of the *de facto* [corporate] UNITED STATES federal government.

Having recently come to an understanding of what has happened to America's freedom while we (and our forebears) were all "asleep," I must lodge my complaint and this FORMAL and ACTUAL NOTICE of Declaration in the only peaceful way I know how: to serve OFFICIAL NOTICE upon the statutory [corporate] UNITED STATES Officer, pursuant to 8 USCA § 1481 (6), – under martial rule, that would be you, Sir, – that the newly discovered fraud which has for years been perpetrated against me in the form of undisclosed contracts and indentures are hereby vitiated, ab initio[6], for fraud, and that I am hereby and forthwith separated from the *de facto* [corporate] UNITED STATES federal citizenship, nunc pro tunc[7], which citizenship was unlawfully thrust upon me by those who perpetuated a grievous fraud against me – without my knowledge or consent.

* * *

[6] Latin From the beginning.

[7] Ibid 2.

Limited Power of Attorney/Assistance of Counsel
on behalf of
***Donald E. White* and *Austa M. White*, Grantors**

KNOW ALL MEN BY THESE PRESENTS that I/we, the undersigned "Grantors" whose address is that which is setout hereunder, have made, constituted and appointed, and by these presents do make, constitute and appoint, ***Anita Jean Vedder***; to be our true and lawful Attorney-in-fact and Assistance of Counsel, to act with the following limited powers, to wit:

Upon proper written instruction from us, to undertake all action and do every thing and act whatsoever necessary on our behalf, relative to a certain Client Services Agreement, Exhibits and Addendums thereto, of which we intentionally, knowingly, and full informed of all of the facts, entered into on or about this ***1st day of May, 2004***, which is incorporated herein by reference as though fully setout, relative to certain real property located at 1052 170th Street, Plainfield, Iowa, postal zone [50669-9786], and a certain mortgages thereon, further defined as alleged loans, (Account Numbers), ***Promissory Notes #112171, #112172 and #112173***, held by ***LINCOLN SAVINGS BANK*** – in litigation, ***as Civil Case #04-5050,*** in the 8th UNITED STATES DISTRICT COURT for the WESTERN DIVISION OF ARKANSAS, at Fayetteville, Arkansas.

The powers delegated to our Attorney-in-fact shall include, but not be limited to, the following:

1. To research, investigate, discuss, obtain and demand information and documents of all kinds whatsoever, from all sources whatsoever, that are

necessary to determine the validity of the within referenced mortgages;

2. To make demands upon financial institutions, "Lenders" and Third Parties thereof, for correction of Billing Errors pursuant to the Fair Credit Billing Act as codified at 15 USCA §1601, 12 CFR 226.13, Truth In Lending (Regulation Z), and validation of debt pursuant to the Fair Debt Collection Practices Act codified at 15 USC §1692;

3. Upon proper findings re the "Mortgagors" or Third Parties thereof engaged in improper or deceptive lending practices, to commence pre-judicial action to discharge all debt encompassed in such improper or deceptive lending practices;

4. Absent satisfactory resolution in the pre-judicial action enumerated in #3 above, to commence legal action against "Mortgagors" in a court of proper jurisdiction, in the form of a Verified Complaint;

5. To subpoena, depose, or otherwise undertake all things necessary and requisite to obtain lawful determination favorable to the "Grantors".

FURTHER, we do authorize our aforesaid Attorney-in-fact to acknowledge, accept and deliver any instrument under seal or otherwise, and to do all things necessary to carry out the intent hereof, hereby granting our said Attorney-in-fact full power and authority to act in and concerning the specific premises as fully and effectively as we may do personally, limited, however, to the specific purpose for which this limited Power of Attorney/ Assistance of Counsel is executed.

PROVIDED, however, that all business transacted hereunder for us or for our account shall be transacted under our names, and that all endorsements and instruments

executed by our said Attorney-in-fact for the purpose of carrying out the foregoing powers, shall contain our names, followed by that of the authorized representative of my Attorney-in-fact, with the designation, Attorney-in-fact.

We FURTHER DECLARE that any act or thing lawfully done hereunder and within the powers enumerated herein by my Attorney-in-fact shall be binding upon ourselves and our heirs, legal and personal representative and assigns, whether the same shall be done either before or after my/our death(s). Third parties may rely upon the representations of the Attorney-in-fact as to all matters relating to any power granted to them hereunder, and no person who may act in reliance upon the representations of the Attorney-in-fact or the authority granted to it shall incur any liability to the Attorney-in-fact as a result of permitting the Attorney-in-fact to exercise any lawful power granted herein.

THIS LIMITED Power of Attorney/Assistance of Counsel agreement shall terminate upon:

a.) written notice of the Grantors of termination, or

b.) satisfaction of the within named Attorney-in-fact's contractual obligations to Grantors at which time this Limited Power of Attorney/ Assistance of Counsel shall automatically self-terminate, whichever first occurs.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 19th/5th day of May/May, 2004, with a reservation of all rights, as provided at UCC § 1-207.

GRANTOR (1):
Donald E. White
Printed Name

BY: /s/ Donald E. White
Signature

Address:
Without prejudice, UCC §1-207
In Care of 75 Davis Circle
Bella Vista, Republic
state of Arkansas
Postal zone [72714-5611]
(479) 855-8767

GRANTOR (2):
Austa M. White
Printed Name

BY: /s/ Austa M. White
Signature

Address:
Without prejudice, UCC §1-207
In Care of 75 Davis Circle
Bella Vista, Republic
state of Arkansas
Postal zone [72714-5611]
(479) 855-8767

Client Services Agreement
Addendum To The Limited Power of
Attorney/Assistance of Counsel
Executed: May 19, 2004
(Modified, ___. 2004)
On behalf of Grantors:
Donald E. White* and *Austa M. White, Grantors

/s/ Donald E. White
Signature Name, Grantor

/s/ Austa M. White
Signature Name, Grantor

BE YE BY ALL PRESENTS KNOWN,

1. that, pursuant to the Limited Power of Attorney/ Assistance of Counsel executed on this 19th day of May, 2004, by and between ***Donald E. White***, in propria persona, as Grantor, and ***Austa M. While***, in propria persona, as Grantor, and ***Anita J. Vedder***, Attorney-in-fact, the parties wish to set out the terms of their agreement to avoid any future controversy;

2. that the parities will co-operate fully with each other, giving mutual support in the execution of the litigation necessary to achieve cancellation of these debts, as permitted by law;

3. that the Attorney-in-fact will be responsible for construction of all documents necessary and incident to this matter;

4. that Grantor(s) will co-operatively assist Attorney-in-fact, to any extent necessary, required or possible, to achieve their mutually desired lawful end, in verification of information contained therein any document, in filing documents in a timely manner, as required, in the Clerk's Office and in any other manner that would serve to support the litigatory action in question;

5. that no compensation will be required of Grantors until either settlement or judgment proceeds are tendered in satisfaction and conclusion of the litigation;

6. and that, at that time, the rate of compensation to the Attorney-in-fact shall be in the amount of 30% flat of the proceeds, plus itemized expenses incurred on behalf of Grantors;

7. that, in return for the above services and support, Grantors agree that no specific result or legal determination is herein guaranteed to them by the Attorney-in-fact;

8. that, in return for the above services and support, Grantors agree not to disclose or share the contents of any document prepared on their behalf by the Attorney-in-fact with any third party, specifically exempting, however, the sons and daughters-in-law of the Grantors, namely John White and James White, their sons, and Carolyn White and Jenni White, their daughters-in-law, respectively, this for the mutual protection of both Grantors, heirs and any inquisitive, outside third-party, the rationale for implications of potential

harmful effects having been thoroughly set out, explained to and understood by the Grantors;

9. In the event that such harmful disclosure by Grantors to outside third parties should occur and become known to Attorney-in-fact, Grantors agree to pay the sum of four (4,000,000.00) million dollars each in silver specie to Attorney-in-fact.

To this, we each set our hand, this 19th day of May 2004, as an addendum to the Limited Power of Attorney/ Assistance of Counsel Agreement, dated the 19th day of May 2004.

/s/ Donald E. White
Donald E. White, Grantor

/s/ Austa M. White
Austa M. White, Grantor

/s/ Anita J. Vedder
Anita J. Vedder, Attorney-in-Fact

STATE OF IOWA)
) ss ATTESTATION
COUNTY OF BREMER)

Sworn and affirmed on this 12th day of May, 2004, before me, the undersigned Notary Public in and for the State of Iowa, appeared *Donald E. White*, personally known to me or proved to me on the basis of satisfactory evidence, to be the person whose signature appears in the written instrument and acknowledged to me that he executed it of his own free will.

Witness my hand and official seal:

/s/ Lynnette Biermann, NOTARY PUBLIC

/s/ Lynnette Biermann, NOTARY PUBLIC
PRINTED NAME

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 12 day of May, 2004

/s/ Lynnette Biermann,
Notary Public

Printed Name: /s/ Lynnette Biermann [SEAL]
My commission expires: 5-11-05

STATE OF ARKANSAS)
) ss ATTESTATION
COUNTY OF BENTON)

Sworn and affirmed on this 5th day of May, 2004, before me, the undersigned Notary Public in and for the State of Arkansas, appeared *Austa M. White*, personally known to me or proved to me on the basis of satisfactory evidence, to be the person whose signature appears in the written instrument and acknowledged to me that she executed it of her own free will.

Witness my hand and official seal:

/s/ Karen S. Rumancik, NOTARY PUBLIC

/s/ Karen S. Rumancik, NOTARY PUBLIC
PRINTED NAME

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 5th day of May, 2004.

/s/ Karen S. Rumancik,
Notary Public

Printed Name: /s/ Karen S. Rumancik

OFFICIAL SEAL
KAREN S. RUMANCIK
NOTARY PUBLIC – ARKANSAS
BENTON COUNTY
MY COMM. EXPIRES 1/31/2010

STATE OF TENNESSEE)
) ss ATTESTATION
COUNTY OF RUTHERFORD)

Sworn and affirmed on this 19th day of May, 2004, before me, the undersigned Notary Public in and for the State of Tennessee, appeared *Anita J. Vedder*, personally known to me or proved to me on the basis of satisfactory evidence, to be the person whose signature appears in the written instrument and acknowledged to me that she executed it of her own free will.

Witness my hand and official seal:

/s/ Stephanie R. Hall, NOTARY PUBLIC

PRINTED NAME: STEPHANIE R. HALL, NOTARY PUBLIC

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 19th day of May, 2004.

/s/ Stephanie R. Hall
Notary Public

Seal:
STEPHANIE R. HALL
NOTARY PUBLIC
AT LARGE
DAVIDSON COUNTY, TN

Printed Name: STEPHANIE R. HALL
467 Sam Ridley Parkway
Smyrna, TN 37167

My commission expires: September 22, 2007

Limited Power of Attorney/Assistance of Counsel
on behalf of
***Donald E. White* and *Austa M. White*,** Grantors

KNOW ALL MEN BY THESE PRESENTS that I/we, the undersigned "Grantors" whose address is that which is setout hereunder, have made, constituted and appointed, and by these presents do make, constitute and appoint, ***Anita Jean Vedder***; to be our true and lawful Attorney-in-fact and Assistance of Counsel, to act with the following limited powers, to wit:

Upon proper written instruction from us, to undertake all action and do every thing and act whatsoever necessary on our behalf, relative to a certain Client Services Agreement, Exhibits and Addendums thereto, of which we intentionally, knowingly, and full informed of all of the facts, entered into on or about this ***1st day of May, 2004***, which is incorporated herein by reference is though fully setout, relative to certain real property located at 1052 170th Street, Plainfield, Iowa, postal zone [50669-9786], and a certain mortgages thereon, further defined as alleged loans, (Account Numbers), ***Promissory Notes #112171, #112172 and #112173***, held by ***LINCOLN SAVINGS BANK*** – in litigation, ***as* Civil Action *No. EQCV002218***, in the IOWA 2nd JUDICIAL DISTRICT COURT FOR BREMER COUNTY.

The powers delegated to our Attorney-in-fact shall include, but not be limited to, the following:

1. To research, investigate, discuss, obtain and demand information and documents of all kinds whatsoever, from all sources whatsoever, that are necessary to determine the validity of the within referenced mortgages;

2. To make demands upon financial institutions, "Lenders" and Third Parties thereof, for correction of Billing Errors pursuant to the Fair Credit Billing Act as codified at 15 USCA §1601, 12 CFR 226.13, Truth In Lending (Regulation Z), and validation of debt pursuant to the Fair Debt Collection Practices Act codified at 15 USC §1692;

3. Upon proper findings re the "Mortgagors" or Third Parties thereof engaged in improper or deceptive lending practices, to commence pre-judicial action to discharge all debt encompassed in such improper or deceptive lending practices;

4. Absent satisfactory resolution in the pre-judicial action enumerated in #3 above, to commence legal action against "Mortgagors" in a court of proper jurisdiction, in the form of a Verified Complaint;

5. To subpoena, depose, or otherwise undertake all things necessary and requisite to obtain lawful determination favorable to the "Grantors".

FURTHER, we do authorize our aforesaid Attorney-in-fact to acknowledge, accept and deliver any instrument under seal or otherwise, and to do all things necessary to carry out the intent hereof, hereby granting our said Attorney-in-fact full power and authority to act in and concerning the specific premises as fully and effectively as we may do personally, limited, however, to the specific purpose for which this limited Power of Attorney/ Assistance of Counsel is executed.

PROVIDED, however, that all business transacted hereunder for us or for our account shall be transacted under our names, and that all endorsements and instruments executed by our said Attorney-in-fact for the purpose of carrying out the foregoing powers, shall contain our

names, followed by that of the authorized representative of my Attorney-in-fact, with the designation, Attorney-in-fact.

We FURTHER DECLARE that any act or thing lawfully done hereunder and within the powers enumerated herein by my Attorney-in-fact shall be binding upon ourselves and our heirs, legal and personal representative and assigns, whether the same shall be done either before or after my/our death(s). Third parties may rely upon the representations of the Attorney-in-fact as to all matters relating to any power granted to them hereunder, and no person who may act in reliance upon the representations of the Attorney-in-fact or the authority granted to it shall incur any liability to the Attorney-in-fact as a result of permitting the Attorney-in-fact to exercise any lawful power granted herein.

THIS LIMITED Power of Attorney/Assistance of Counsel agreement shall terminate upon:

a.) written notice of the Grantors of termination, or

b.) satisfaction of the within named Attorney-in-fact's contractual obligations to Grantors at which time this Limited Power of Attorney/ Assistance of Counsel shall automatically self-terminate, whichever first occurs.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 19th/5th day of May/May, 2004, with a reservation of all rights, as provided at UCC § 1-207.

GRANTOR (1):
Donald E. White
Printed Name

GRANTOR (2):
Austa M. White
Printed Name

BY: /s/ Donald E. White
Signature

Address:
Without prejudice, UCC §1-207
In Care of 75 Davis Circle
Bella Vista, Republic
state of Arkansas
Postal zone [72714-5611]
(479) 855-8767

BY: /s/ Austa M. White
Signature

Address:
Without prejudice, UCC §1-207
In Care of 75 Davis Circle
Bella Vista, Republic
state of Arkansas
Postal zone [72714-5611]
(479) 855-8767

Client Services Agreement
Addendum To The Limited Power of
Attorney/Assistance of Counsel
Executed: May 19th, 2004
(Modified, ___. 2004)
On behalf of Grantors:
Donald E. White and Austa M. White, Grantors

/s/ Donald E. White
Signature Name, Grantor

/s/ Austa M. White
Signature Name, Grantor

BE YE BY ALL PRESENTS KNOWN,

1. that, pursuant to the Limited Power of Attorney/ Assistance of Counsel executed on this 19th day of May, 2004, by and between ***Donald E. White***, in propria persona, as Grantor, and ***Austa M. White***, in propria persona, as Grantor, and ***Anita J. Vedder***, Attorney-in-fact, the parties wish to set out the terms of their agreement to avoid any future controversy;

2. that the parities will co-operate fully with each other, giving mutual support in the execution of the litigation necessary to achieve cancellation of these debts, as permitted by law;

3. that the Attorney-in-fact will be responsible for construction of all documents necessary and incident to this matter;

4. that Grantor(s) will co-operatively assist Attorney-in-fact, to any extent necessary, required or possible, to achieve their mutually desired lawful end, in verification of information contained therein any document, in filing documents in a timely manner, as required, in the Clerk's Office and in any other manner that would serve to support the litigatory action in question;

5. that no compensation will be required of Grantors until either settlement or judgment proceeds are tendered in satisfaction and conclusion of the litigation;

6. and that, at that time, the rate of compensation to the Attorney-in-fact shall be in the amount of 30% flat of the proceeds, plus itemized expenses incurred on behalf of Grantors;

7. that, in return for the above services and support, Grantors agree that no specific result or legal determination is herein guaranteed to them by the Attorney-in-fact;

8. that, in return for the above services and support, Grantors agree not to disclose or share the contents of any document prepared on their behalf by the Attorney-in-fact with any third party, specifically exempting, however, the sons and daughters-in-law of the Grantors, namely John White and James White, their sons, and Carolyn White and Jenni White, their daughters-in-law, respectively, this for the mutual protection of both Grantors, heirs and any inquisitive, outside third-party, the rationale for implications of potential harmful effects having been thoroughly set out, explained to and understood by the Grantors;

9. In the event that such harmful disclosure by Grantors to outside third parties should occur and

become known to Attorney-in-fact, Grantors agree to pay the sum of four (4,000,000.00) million dollars each in silver specie to Attorney-in-fact.

To this, we each set our hand, this 19th day of May 2004, as an addendum to the Limited Power of Attorney/ Assistance of Counsel Agreement, dated the 19th day of May 2004.

/s/ Donald E. White
Donald E. White, Grantor

/s/ Austa M. White
Austa M. White, Grantor

/s/ Anita J. Vedder
Anita J. Vedder, Attorney-in-Fact

STATE OF IOWA)
) ss ATTESTATION
COUNTY OF BREMER)

Sworn and affirmed on this 12th day of May, 2004, before me, the undersigned Notary Public in and for the State of Iowa, appeared *Donald E. White*, personally known to me or proved to me on the basis of satisfactory evidence, to be the person whose signature appears in the written instrument and acknowledged to me that he executed it of his own free will.

Witness my hand and official seal:

/s/ Lynnette Biermann, NOTARY PUBLIC

/s/ Lynnette Biermann, NOTARY PUBLIC
PRINTED NAME

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 12 day of May, 2004.

/s/ Lynnette Biermann,
Notary Public

Printed Name: /s/ Lynnette Biermann [SEAL]
My commission expires: 5-11-05

STATE OF ARKANSAS)
) ss ATTESTATION
COUNTY OF BENTON)

Sworn and affirmed on this 5th day of May, 2004, before me, the undersigned Notary Public in and for the State of Arkansas, appeared *Austa M. White*, personally known to me or proved to me on the basis of satisfactory evidence, to be the person whose signature appears in the written instrument and acknowledged to me that she executed it of her own free will.

Witness my hand and official seal:

/s/ Karen S. Rumancik, NOTARY PUBLIC

/s/ Karen S. Rumancik, NOTARY PUBLIC
PRINTED NAME

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 5th day of May, 2004.

/s/ Karen S. Rumancik,
Notary Public

Printed Name: /s/ Karen S. Rumancik

OFFICIAL SEAL
KAREN S. RUMANCIK
NOTARY PUBLIC – ARKANSAS
BENTON COUNTY
MY COMM EXPIRES 1/31/2010

STATE OF TENNESSEE)
) ss ATTESTATION
COUNTY OF RUTHERFORD)

Sworn and affirmed on this 19th day of May, 2004, before me, the undersigned Notary Public in and for the State of Tennessee, appeared *Anita J. Vedder*, personally known to me or proved to me on the basis of satisfactory evidence, to be the person whose signature appears in the written instrument and acknowledged to me that she executed it of her own free will.

Witness my hand and official seal:

/s/ Stephanie R. Hall, NOTARY PUBLIC

PRINTED NAME: STEPHANIE R. HALL, NOTARY PUBLIC

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 19th day of May, 2004.

/s/ Stephanie R. Hall
Notary Public

Seal:
STEPHANIE R. HALL
NOTARY PUBLIC
AT LARGE
DAVIDSON COUNTY, TN

Printed Name: STEPHANIE R. HALL
467 Sam Ridley Parkway
Smyrna, TN 37167

My commission expires: September 22, 2007

Limited Power of Attorney/Assistance of Counsel
on behalf of
***Donald E. White* and *Austa M. White*, Grantors**

KNOW ALL MEN BY THESE PRESENTS that I/we, the undersigned "Grantors" whose address is that which is setout hereunder, have made, constituted and appointed, and by these presents do make, constitute and appoint, ***Anita Jean Vedder***; to be our true and lawful Attorney-in-fact and Assistance of Counsel, to act with the following limited powers, to wit:

Upon proper written instruction from us, to undertake all action and do every thing and act whatsoever necessary on our behalf, relative to a certain Client Services Agreement, Exhibits and Addendums thereto, of which we intentionally, knowingly, and full informed of all of the facts, entered into on or about this ***26th day of July, 2004***, which is incorporated herein by reference is though fully setout, relative to certain real property located at 1052 170th Street, Plainfield, Iowa, postal zone [50669-9786], and a certain mortgages thereon, further defined as alleged loans, (Account Numbers), ***Promissory Notes #112171, #112172 and #112173***, held by ***LINCOLN SAVINGS BANK*** – in litigation, ***as Civil Case #04-93-LRR***, in the 8th UNITED STATES DISTRICT COURT for the NORTHERN DISTRICT OF IOWA, at Cedar Rapids, Iowa.

The powers delegated to our Attorney-in-fact shall include, but not be limited to, the following:

1. To research, investigate, discuss, obtain and demand information and documents of all kinds whatsoever, from all sources whatsoever, that are

necessary to determine the validity of the within referenced mortgages;

2. To make demands upon financial institutions, "Lenders" and Third Parties thereof, for correction of Billing Errors pursuant to the Fair Credit Billing Act as codified at 15 USCA §1601, 12 CFR 226.13, Truth In Lending (Regulation Z), and validation of debt pursuant to the Fair Debt Collection Practices Act codified at 15 USC §1692;

3. Upon proper findings re the "Mortgagors" or Third Parties thereof engaged in improper or deceptive lending practices, to commence pre-judicial action to discharge all debt encompassed in such improper or deceptive lending practices;

4. Absent satisfactory resolution in the pre-judicial action enumerated in #3 above, to commence legal action against "Mortgagors" in a court of proper jurisdiction, in the form of a Verified Complaint;

5. To subpoena, depose, or otherwise undertake all things necessary and requisite to obtain lawful determination favorable to the "Grantors".

FURTHER, we do authorize our aforesaid Attorney-in-fact to acknowledge, accept and deliver any instrument under seal or otherwise, and to do all things necessary to carry out the intent hereof, hereby granting our said Attorney-in-fact full power and authority to act in and concerning the specific premises as fully and effectively as we may do personally, limited, however, to the specific purpose for which this limited Power of Attorney/ Assistance of Counsel is executed.

PROVIDED, however, that all business transacted hereunder for us or for our account shall be transacted under our names, and that all endorsements and instruments

executed by our said Attorney-in-fact for the purpose of carrying out the foregoing powers, shall contain our names, followed by that of the authorized representative of my Attorney-in-fact, with the designation, Attorney-in-fact.

We FURTHER DECLARE that any act or thing lawfully done hereunder and within the powers enumerated herein by my Attorney-in-fact shall be binding upon ourselves and our heirs, legal and personal representative and assigns, whether the same shall be done either before or after my/our death(s). Third parties may rely upon the representations of the Attorney-in-fact as to all matters relating to any power granted to them hereunder, and no person who may act in reliance upon the representations of the Attorney-in-fact or the authority granted to it shall incur any liability to the Attorney-in-fact as a result of permitting the Attorney-in-fact to exercise any lawful power granted herein.

THIS LIMITED Power of Attorney/Assistance of Counsel agreement shall terminate upon:

a.) written notice of the Grantors of termination, or

b.) satisfaction of the within named Attorney-in-fact's contractual obligations to Grantors at which time this Limited Power of Attorney/ Assistance of Counsel shall automatically self-terminate, whichever first occurs.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 26th day of July, 2004, with a reservation of all rights, as provided at UCC § 1-207.

GRANTOR (1):
Donald E. White
Printed Name

BY: /s/ Donald E. White
Signature

Address:
Without prejudice, UCC §1-207
In Care of 75 Davis Circle
Bella Vista, Republic
state of Arkansas
Postal zone [72714-5611]
(479) 855-8767

GRANTOR (2):
Austa M. White
Printed Name

BY: /s/ Austa M. White
Signature

Address:
Without prejudice, UCC §1-207
In Care of 75 Davis Circle
Bella Vista, Republic
state of Arkansas
Postal zone [72714-5611]
(479) 855-8767

Client Services Agreement
Addendum To The Limited Power of
Attorney/Assistance of Counsel
Executed: July 26, 2004
(Modified, ___, 2004)
On behalf of Grantors:

Donald E. White* and *Austa M. White, Grantors

/s/ Donald E. White
Signature Name, Grantor

/s/ Austa M. White
Signature Name, Grantor

BE YE BY ALL PRESENTS KNOWN,

1. that, pursuant to the Limited Power of Attorney/ Assistance of Counsel executed on this 26 day of July, 2004, by and between ***Donald E. White***, in propria persona, as Grantor, and ***Austa M. White***, in propria persona, as Grantor, and ***Anita J. Vedder***, Attorney-in-fact, the parties wish to set out the terms of their agreement to avoid any future controversy;

2. that the parties will co-operate fully with each other, giving mutual support in the execution of

the litigation necessary to achieve cancellation of these debts, as permitted by law;

3. that the Attorney-in-fact will be responsible for construction of all documents necessary and incident to this matter;

4. that Grantor(s) will co-operatively assist Attorney-in-fact, to any extent necessary, required or possible, to achieve their mutually desired lawful end, in verification of information contained therein any document, in filing documents in a timely manner, as required, in the Clerk's Office and in any other manner that would serve to support the litigatory action in question;

5. that no compensation will be required of Grantors until either settlement or judgment proceeds are tendered in satisfaction and conclusion of the litigation;

6. and that, at that time, the rate of compensation to the Attorney-in-fact shall be in the amount of 30% flat of the proceeds, plus itemized expenses incurred on behalf of Grantors;

7. that, in return for the above services and support, Grantors agree that no specific result or legal determination is herein guaranteed to them by the Attorney-in-fact;

8. that, in return for the above services and support, Grantors agree not to disclose or share the contents of any document prepared on their behalf by the Attorney-in-fact with any third party, specifically exempting, however, the sons and daughters-in-law of the Grantors, namely John White and James White, their sons, and Carolyn White and Jenni White, their daughters-in-law, respectively, this for the mutual protection of

both Grantors, heirs and any inquisitive, outside third-party, the rationale for implications of potential harmful effects having been thoroughly set out, explained to and understood by the Grantors;

9. In the event that such harmful disclosure by Grantors to outside third parties should occur and become known to Attorney-in-fact, Grantors agree to pay the sum of four (4,000,000.00) million dollars each in silver specie to Attorney-in-fact.

To this, we each set our hand, this 26th day of July 2004, as an addendum to the Limited Power of Attorney/ Assistance of Counsel Agreement, dated the 26th day of July, 2004.

/s/ Donald E. White
Donald E. White, Grantor

/s/ Austa M. White
Austa M. White, Grantor

/s/ Anita J. Vedder
Anita J. Vedder, Attorney-in-Fact

STATE OF IOWA)
) ss ATTESTATION
COUNTY OF BREMER)

Sworn and affirmed on this 26th day of July, 2004, before me, the undersigned Notary Public in and for the State of Iowa, appeared *Donald E. White,* personally known to me or proved to me on the basis of satisfactory evidence, to be the person whose signature appears in the written instrument and acknowledged to me that he executed it of his own free will.

Witness my hand and official seal:

/s/ Dorothy A. Hansel, NOTARY PUBLIC
DOROTHY A. HANSEL, NOTARY PUBLIC
PRINTED NAME

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 26th day of July, 2004

/s/ Dorothy A. Hansel,
Notary Public

Printed Name: DOROTHY A. HANSEL
DOROTHY A. HANSEL
Commission Number 155974
My Comm. Exp. 5/3/05

STATE OF IOWA)
) ss ATTESTATION
COUNTY OF BREMER)

Sworn and affirmed on this 26th day of July, 2004, before me, the undersigned Notary Public in and for the State of ~~Arkansas~~ Iowa, appeared *Austa M. White*, personally known to me or proved to me on the basis of satisfactory evidence, to be the person whose signature appears in the written instrument and acknowledged to me that she executed it of her own free will.

Witness my hand and official seal:

/s/ Dorothy A. Hansel, NOTARY PUBLIC

DOROTHY A. HANSEL, NOTARY PUBLIC
PRINTED NAME

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 26th day of July, 2004.

/s/ Dorothy A. Hansel,
Notary Public

Printed Name: DOROTHY A. HANSEL
DOROTHY A. HANSEL
Commission Number 155974
My Comm. Exp. 5/3/05

STATE OF IOWA)
) ss ATTESTATION
COUNTY OF BREMER)

Sworn and affirmed on this 26th day of July, 2004, before me, the undersigned Notary Public in and for the State of ~~Tennessee~~ Iowa, appeared *Anita J. Vedder*, personally known to me or proved to me on the basis of satisfactory evidence, to be the person whose signature appears in the written instrument and acknowledged to me that she executed it of her own free will.

Witness my hand and official seal:

/s/ Dorothy A. Hansel, NOTARY PUBLIC

PRINTED NAME: DOROTHY HANSEL, NOTARY PUBLIC

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 26th day of July, 2004.

/s/ Dorothy A. Hansel,
Notary Public

Printed Name:
DOROTHY A. HANSEL
415 E. Bremer Avenue
Waverly, Iowa 50677

DOROTHY A. HANSEL
Commission Number 155974
My Comm. Exp. 5/3/05

My commission expires: May 03, 2005

Limited Power of Attorney/Assistance of Counsel
on behalf of
***James C. White* and *Jenni L. White*, Grantors**

KNOW ALL MEN BY THESE PRESENTS that I/we, the undersigned "Grantors" whose address is that which is setout hereunder, have made, constituted and appointed, and by these presents do make, constitute and appoint, ***Anita Jean Vedder***; to be our true and lawful Attorney-in-fact and Assistance of Counsel, to act with the following limited powers, to wit:

Upon proper written instruction from us, to undertake all action and do every thing and act whatsoever necessary on our behalf, relative to a certain Client Services Agreement, Exhibits and Addendums thereto, of which we intentionally, knowingly, and full informed of all of the facts, entered into on or about this ***18th day of June, 2004***, which is incorporated herein by reference as though fully setout, relative to certain real property located at 1052 170th Street, Plainfield, Iowa, postal zone [50669-9786], and a certain mortgages thereon, further defined as alleged loans, (Account Numbers), ***Promissory Notes #112171, #112172 and #112173***, held by ***LINCOLN SAVINGS BANK*** – in litigation, ***as* Civil Action *No. EQCV002218***, in the IOWA 2nd JUDICIAL DISTRICT COURT FOR BREMER COUNTY.

The powers delegated to our Attorney-in-fact shall include, but not be limited to, the following:

1. To research, investigate, discuss, obtain and demand information and documents of all kinds whatsoever, from all sources whatsoever, that are necessary to determine the validity of the within referenced mortgages;

2. To make demands upon financial institutions, "Lenders" and Third Parties thereof, for correction of Billing Errors pursuant to the Fair Credit Billing Act as codified at 15 USCA §1601, 12 CFR 226.13, Truth In Lending (Regulation Z), and validation of debt pursuant to the Fair Debt Collection Practices Act codified at 15 USC §1692;

3. Upon proper findings re the "Mortgagors" or Third Parties thereof engaged in improper or deceptive lending practices, to commence prejudicial action to discharge all debt encompassed in such improper or deceptive lending practices;

4. Absent satisfactory resolution in the pre-judicial action enumerated in #3 above, to commence legal action against "Mortgagors" in a court of proper jurisdiction, in the form of a Verified Complaint;

5. To subpoena, depose, or otherwise undertake all things necessary and requisite to obtain lawful determination favorable to the "Grantors".

FURTHER, we do authorize our aforesaid Attorney-in-fact to acknowledge, accept and deliver any instrument under seal or otherwise, and to do all things necessary to carry out the intent hereof, hereby granting our said Attorney-in-fact full power and authority to act in and concerning the specific premises as fully and effectively as we may do personally, limited, however, to the specific purpose for which this limited Power of Attorney/ Assistance of Counsel is executed.

PROVIDED, however, that all business transacted hereunder for us or for our account shall be transacted under our names, and that all endorsements and instruments executed by our said Attorney-in-fact for the purpose of

carrying out the foregoing powers, shall contain our names, followed by that of the authorized representative of my Attorney-in-fact, with the designation, Attorney-in-fact.

We FURTHER DECLARE that any act or thing lawfully done hereunder and within the powers enumerated herein by my Attorney-in-fact shall be binding upon ourselves and our heirs, legal and personal representative and assigns, whether the same shall be done either before or after my/our death(s). Third parties may rely upon the representations of the Attorney-in-fact as to all matters relating to any power granted to them hereunder, and no person who may act in reliance upon the representations of the Attorney-in-fact or the authority granted to it shall incur any liability to the Attorney-in-fact as a result of permitting the Attorney-in-fact to exercise any lawful power granted herein.

THIS LIMITED Power of Attorney/Assistance of Counsel agreement shall terminate upon:

a.) written notice of the Grantors of termination, or

b.) satisfaction of the within named Attorney-in-fact's contractual obligations to Grantors at which time this Limited Power of Attorney/ Assistance of Counsel shall automatically self-terminate, whichever first occurs.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 13 day of July, 2004, with a reservation of all rights, as provided at UCC § 1-207.

GRANTOR (1):
James C. White
Printed Name

BY: /s/ x James C. White
James C. White,
Signature

Address:
1052 170th Street,
Plainfield, Iowa
Postal zone [50669-9786]
(319) 276-3516

GRANTOR (2):
Jenni L. White
Printed Name

BY: /s/ x Jenni L. White
Jenni L. White,
Signature

Address:
1052 170th Street,
Plainfield, Iowa
Postal zone [50669-9786]
(319) 276-3516

Client Services Agreement
Addendum To The Limited Power of
Attorney/Assistance of Counsel
Executed: June 18th, 2004
(Modified, July 13, 2004)
On behalf of Grantors:

James C. White* and *Jenni L. White, Grantors

/s/ x James C. White
James C. White, Grantor

/s/ x Jenni L. White
Jenni L. White, Grantor

BE YE BY ALL PRESENTS KNOWN,

1. that, pursuant to the Limited Power of Attorney/ Assistance of Counsel executed on this 13 day of July, 2004, by and between ***James C. White,*** in propria persona, as Grantor, and ***Jenni L. White,*** in propria persona, as Grantor, and ***Anita J. Vedder***, Attorney-in-fact, the parties wish to set out the terms of their agreement to avoid any future controversy;

2. that the parties will co-operate fully with each other, giving mutual support in the execution of the litigation necessary to achieve cancellation of these debts, as permitted by law;

3. that the Attorney-in-fact will be responsible for construction of all documents necessary and incident to this matter;

4. that Grantor(s) will co-operatively assist Attorney-in-fact, to any extent necessary, required or possible, to achieve their mutually desired lawful end, in verification of information contained therein any document, in filing documents in a timely manner, as required, in the Clerk's Office and in any other manner that would serve to support the litigatory action in question;

5. that no compensation will be required of Grantors until either settlement or judgment proceeds are tendered in satisfaction and conclusion of the litigation;

6. and that, at that time, the rate of compensation to the Attorney-in-fact shall be in the amount of 30% flat of the proceeds, plus itemized expenses incurred on behalf of Grantors;

7. that, in return for the above services and support, Grantors agree that no specific result or legal determination is herein guaranteed to them by the Attorney-in-fact;

8. that, in return for the above services and support, Grantors agree not to disclose or share the contents of any document prepared on their behalf by the Attorney-in-fact with any third party, specifically exempting, however, the sons and daughters-in-law of the Grantors, namely Gael James White, their sons, and potentially unborn or adopted White heirs respectively, and John and Carolyn White, their partners in the family agri-business operation, of which is the subject of this litigation as well as the heirs, similarly described of John and Carolyn White, for the mutual protection of

both Grantors, heirs and any inquisitive outside third-party, the rationale for implications of potential harmful effects having been thoroughly set out, explained to and understood by the Grantors;

9. In the event that such harmful disclosure by Grantors to outside third parties should occur and become known to Attorney-in-fact, Grantors agree to pay the sum of four (4,000,000.00) million dollars each in silver specie to Attorney-in-fact.

To this, we each set our hand, this 13th day of July 2004, as an addendum to the Limited Power of Attorney/ Assistance of Counsel Agreement, dated the 13th day of July 2004.

/s/ x James C. White
James C. White, Grantor

/s/ x Jenni L. White
Jenni L. White, Grantor

/s/ Anita J. Vedder
Anita J. Vedder, Attorney-in-Fact

STATE OF IOWA)
) ss ATTESTATION
COUNTY OF BREMER)

Sworn and affirmed on this 13 day of July, 2004, before me, the undersigned Notary Public in and for the State of Iowa, appeared *James C. White*, personally known to me or proved to me on the basis of satisfactory evidence, to be the person whose signature appears in the written instrument and acknowledged to me that he executed it of his own free will.

Witness my hand and official seal:

/s/ Lynnette Biermann, NOTARY PUBLIC

/s/ Lynnette Biermann, NOTARY PUBLIC
PRINTED NAME

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 13 day of July, 2004

/s/ Lynnette Biermann, seal:
Notary Public

My commission expires: 5-11-05

STATE OF IOWA)
) ss ATTESTATION
COUNTY OF BREMER)

Sworn and affirmed on this 13 day of July, 2004, before me, the undersigned Notary Public in and for the State of Iowa, appeared *Jenni L. White*, personally known to me or proved to me on the basis of satisfactory evidence, to be the person whose signature appears in the written instrument and acknowledged to me that she executed it of her own free will.

Witness my hand and official seal:

/s/ Lynnette Biermann, NOTARY PUBLIC

/s/ Lynnette Biermann, NOTARY PUBLIC
PRINTED NAME

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 13 day of July, 2004.

/s/ Lynnette Biermann, seal:
Notary Public

My commission expires: 5-11-05

STATE OF TENNESSEE)
) ss ATTESTATION
COUNTY OF RUTHERFORD)

Sworn and affirmed on this _____ day of _____, 2004, before me, the undersigned Notary Public in and for the

State of Tennessee, appeared *Anita J. Vedder*, personally known to me or proved to me on the basis of satisfactory evidence, to be the person whose signature appears in the written instrument and acknowledged to me that she executed it of her own free will.

Witness my hand and official seal:

_____, NOTARY PUBLIC

PRINTED NAME: STEPHANIE R. HALL, NOTARY PUBLIC

IN WITNESS WHEREOF, I have hereunto set my hand and seal this ____ day of _____, 2004.

_____,
Notary Public Seal:

Printed Name: STEPHANIE R. HALL
467 Sam Ridley Parkway
Smyrna, TN 37167

My commission expires: September 22, 2007

NOTARIAL ACKNOWLEDGMENT

STATE OF IOWA)
) ss ATTESTATION
COUNTY OF BREMER)

Sworn and affirmed on this 26th, day of July, 2004, before me, the undersigned Notary Public in and for the State of Iowa, appeared *Anita J. Vedder*, personally known to me or proved to me on the basis of satisfactory evidence, to be the person whose signature appears in the written instrument and acknowledged to me that she executed it of her own free will.

Witness my hand and official seal:

/s/ Dorothy A. Hansel, NOTARY PUBLIC

PRINTED NAME: /s/ Dorothy A. Hansel
NOTARY PUBLIC

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 26th day of July, 2004.

/s/ Dorothy A. Hansel,

Seal:
DOROTHY A. HANSEL
Commission Number 155974
My Comm. Exp. 5/3/05

Name: 415 E. Bremer Ave
Address: Waverly, IA 50677

My commission expires: 5/3/05

Anita J. Vedder

Without Prejudice, UCC §1-207
In Care Of 1000 Kilgrow Court
Smyrna, Republic state of Tennessee
Postal Zone [37167-5967]

5-October-04

The Honorable Jimm Larry Hendren
UNITED STATES DISTRICT COURT
FOR WESTERN ARKANSAS, 8th Circuit
P. O. Box 6420
Fayetteville, AR 72702
(479) 521-6980

Concerning: Repatriated Sovereign Sui Juri, Donald E. and Austa M. White in: Fayetteville: 03-01-04 *In Law:* 04-5050 White, et al v. Stephen A. Tscherter, et al Cedar Rapids: 07-27-04 *In Law:* 1:04-00093-LRR same Fraudulent Promissory Notes Bremer County, IA: 04-01-04 *In Equity:* EQCV002218 Petition for Foreclosure

Dear Sir:

My appearance under contract, as a Repatriated Attorney-in-fact on behalf of the Whites, has been formally entered in the Cedar Rapids and Bremer County, IA litigation; however, it was not entered in the Fayetteville action, even though we had an agreement for services between us, prior to your order of dismissal, dated 07-14-04. (We wish to thank you for that gift, for as a result of your order, we were able to re-file the action in Cedar Rapids, according to your direction, with the Whites ***solidly planted*** in the Republic state of Arkansas, as of March 15, 2004, ***from inception*** of the Cedar Rapids litigation.)

My involvement in the White situation behind the scenes began in February 2004, when Austa White, solely, was sitting in the 8th Circuit US Bankruptcy Court. My presence was uncovered in Iowa on July 26 in Bremer County, when the Whites were ordered into court for a sua sponte hearing on a Memorandum of Law.

There, I made a very short-lived appearance (after entry), . . . all of which was subsequent to our filing a challenge of jurisdiction in response to LINCOLN SAVINGS BANK'S Petition for Foreclosure, filed ***concurrently with the Fayetteville action, April 01, 2004, and before your order of dismissal.*** I admit to having written all of the documentation on behalf of the Whites from behind the scenes, starting with her Motion for Dismissal from the bankruptcy action in mid-February.

We now have quite a tangled mess and so, I approach the court in a good faith effort to straighten these inter-dependent matters out in the most efficacious manner.

The Cedar Rapids case and the Bremer County case, appealing Judge Mackey's order of August 4, have both been appealed to the United States Court of Appeals in St. Louis. On each, the $255 filing fees have been paid. However, only the Cedar Rapids case has been assigned a USCOA Appellate Case #04-3267, which Cedar Rapids was ordered on September 14 to forward the entire file ***without designation of the record*** by the USCOA, to which it immediately complied on September 16.

The Bremer County appeal, however, was mis-directed to the Fort Smith office without a case number, where the clerk there determined, without looking at the paperwork in her hand, that it was ***your*** order of July 14 that was being appealed. She erroneously logged the appeal to your

order of July 16 and returned the Bremer County documents to me with a cover letter indicating that the appeal was untimely. She also receipted the money and sent the funds to Fayetteville, according to our conversation.

After multiple conversations with the involved Fort Smith clerk and with Michael Gans, Clerk of the UC COA in St. Louis, I filed the proper paperwork to close the appeal on the Fayetteville case before you, #04-5050, open a Miscellaneous Fayetteville Case on jurisdiction, (so as not to confound the money and the matter with the Cedar Rapids action), and a second request for return of the original exhibits on file in 04-5050, most importantly the verified copy of the bank's Articles of Incorporation, for use in ***whatever*** court this matter is ultimately concluded.

That paperwork is still pending before you, and has not been moved in your absence to another location or judge in Western Arkansas. Conversation with Chris Johnson, the Clerk for the Western Arkansas District, indicated that, had I ***not*** filed the motion, he ***could*** have accommodated my request administratively, as had Keith Throckmorton on my own parallel case here in Tennessee. I clearly understood his logic and rationale and accepted his decision.

The situation became MORE urgent, however, when in response to a telephone scheduling conference on 09-29-04 at 9:45 AM, the opposing attorney refused to include me. The Bremer County Judge, James Drew, informed Mrs. White during the teleconference that the Bremer County action would just "roll on", there being a hearing set on the opposing attorney's Motion For Summary Judgment at 10AM on October 6 – tomorrow.

They tried to tell her that the teleconference would be rescheduled to that date also and notice has so been provided by the court to that effect. But as you and I both know, when the void Motion for Summary Judgment is granted tomorrow, even in the ABSENCE of a suitable response to the Challenge of Jurisdiction, there will be no teleconference . . .

This is to further inform you, therefore, that on 09-30-04 we filed a Demand for a Stay of Execution, attached to the Cedar Rapids case, Appellate Case #04-3267, now in St. Louis. It was not my intention to confound the issues of the promissory notes and the Deeds of Trust in the same action between the courts. However, this was made necessary by the urgency of the situation, resulting from the unlawful and illegal adversarial action on the Deeds of Trust and your unavailability until October 6-7, as the clerks so informed.

Obviously, if the promissory notes are fraudulent, so too are the contingent Deeds of Trust. But ***that*** fact of law does not prevent an adversary without conscience from taking any advantage at any possible opening.

I admit that I pulled rank on the ***normal*** routines of the system in appealing the Bremer County action directly to the USCOA. I did so ***because of*** the superior sovereign status of both the Whites and myself and ***not without*** explicit instruction and direction to the Clerks in both St Louis and Fort Smith. We do understand that the potential for error increases when and as the normal procedures are deviated; however, our legal status before the court is, all by itself, quite deviant from the norm . . . one which we consider to be well worth the risk – in favor of the benefits of sovereignty.

Clearly, we do not need to separately appeal the Bremer County action ***if*** it has been effectively joined by the Demand for Reconsideration and a Stay of Execution in Saint Louis. At the same time, we do not wish to potentially compromise the appeal of the Bremer County action by possibly requesting a refund of its filing fee prematurely – meaning ***before*** the Bremer County action itself is securely logged into the USCOA system somewhere – either as a stand-alone case or by virtue of having been effectively joined to the Cedar Rapids action.

Please take this information into consideration upon your return as you deliberate the pending motion before you – for your office is holding the consideration tendered timely with the Bremer County appeal.

We hope that the purpose which took you away from the court was beneficial and fruitful, whether for personal or professional reasons.

Thanking you in advance for your consideration, I remain,
Yours truly,
Without .Prejudice, UCC § 1-207

Anita J. Vedder
Attorney-in-fact for
Donald E. and Austa M. White,
Repatriated sovereign Plaintiffs,
In propria persona

ENC: Copy of Current Dockets, USCOA #04-3267 St Louis
USCOA #04-00093-LRR Cedar Rapids
CC: R. Jeffery Reynerson, Arkansas
Patrick G. Vickers, Iowa

(2)

Supreme Court, U.S.
FILED
MAY 12 2005
OFFICE OF THE CLERK

No. 04-1358

In The Supreme Court of the United States

DONALD E. WHITE and AUSTA M. WHITE,

Petitioners,

vs.

STEVEN A. TSCHERTER, DANA UHLENHOPP, CORDELL Q. PETERSON, JAMES SCHNEIDER, CAROL PETERSEN, LINCOLN SAVINGS BANK and LINCOLN BANCORP,

Respondents.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Eighth Circuit

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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OR CALL COLLECT (402) 342-2831

QUESTION PRESENTED

Did the Court of Appeals for the Eighth Circuit err in dismissing the Petitioners' appeal and in denying a stay of the Iowa State District Court foreclosure proceeding?

CORPORATE DISCLOSURE STATEMENT

Lincoln Savings Bank and Lincoln Bancorp are corporations organized and existing under the laws of the State of Iowa. One hundred percent of Lincoln Savings Bank's shares are owned by Lincoln Bancorp. No publicly held corporation owns 10% or more of Lincoln Bancorp's stock.

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U.S. District Court N.D. Iowa R. 832(d)(1) 5

STATEMENT OF THE CASE

I. Procedural background.

On July 2, 2004, the Petitioner filed a pro se complaint (comprised of 439 paragraphs spanning 147 pages, a "memorandum" of 33 pages and several hundred pages of exhibits) against the Respondents in the Untied States District Court for the Northern District of Iowa. The complaint appeared to be based upon the Petitioners' banking relationship with Lincoln Savings Bank and their alleged status as "living, natural-born, sovereign human beings, individuals statutorily repatriated from the democracy of the corporate UNITED STATES to the Republic state of Arkansas . . . "

On September 1, 2004, a Notice of Entry of Appearance was filed by one Anita J. Vedder on behalf of the Petitioners. (Ms. Vedder is not an attorney.) On September 1, 2004, U.S. District Court Magistrate Judge John A. Jarvey entered an order noting that Ms. Vedder was not admitted to practice law in the U.S. District Court for the Northern District of Iowa and that she did not appear to be "an attorney admitted to practice in any court." The order went on to direct the Clerk not to accept further filings from Ms. Vedder submitted on behalf of the Petitioners.

On September 17, 2004, the Petitioners filed a Notice of Appeal in the United States Court of Appeals for the Eighth Circuit, wherein they apparently appealed Magistrate Judge Jarvey's order prohibiting Ms. Vedder from filing further pleadings on the Petitioners' behalf. On October 4, 2004, the Respondents filed a Motion to Dismiss the Appeal. On October 4, 2004, the Petitioners filed a motion in the pending appeal before the Eighth Circuit

in which they requested that the United States Eighth Circuit Court of Appeals enter a stay with respect to a foreclosure proceeding which was pending in the Iowa State District Court in Bremer County, Iowa. On October 12, 2004, the Respondents filed their resistance to the Petitioners' motion for a stay. On October 22, 2004, the Eighth Circuit entered an order denying the Petitioners' motion for a stay and granting the Respondents' dismissal of the appeal. The Petitioners filed a motion to reconsider on November 2, 2004, which was denied on November 24, 2004. It is, apparently, the Eighth Circuit Court of Appeal's order which dismissed the Petitioners' appeal and denied their stay for which the Petitioners now seek review.

II. Clarification of the record.

Respondents take exception to the following statements made by the Petitioners in their statement of material facts:

1. Petitioners make several references to orders of the lower courts being "unsealed" and "unfiled." Respondents are not sure what the Petitioners mean by unsealed, but certainly dispute whether any order entered in this case is subject to attack for not being sealed in a manner acceptable to the Petitioners. Further, Respondents believe that all orders of the lower courts were properly filed after being entered.

2. The Respondents dispute the Petitioners statement on page 4 of their petition with respect to sovereign obligations being created between the Petitioners and Anita J.

Vedder as a result of any private contract. Any contract which resulted in or required the unauthorized practice of law by Anita J. Vedder would be illegal and unenforceable.

3. The Respondents are not sure what is meant by the Petitioners' assertion on page 5 of their petition that the Eighth Circuit Court of Appeals was "driving events in four separate inferior courts." As set forth in the procedural background in this brief, the decision of the Court of Appeals dismissed an appeal from the United States District Court for the Northern District of Iowa and refused to enter a stay of a foreclosure proceeding in the Iowa District Court for Bremer County, Iowa.

4. The assertion on page 5 of the petition that the Petitioners filed a complaint against "the principals of Lincoln Savings Bank" is disputed. The Petitioners have filed myriad litigation against the entities who are the Respondents in this case.

5. The assertion at page 5 of the petition that the Petitioner Austa M. White was voluntarily discharged from the "Eighth Circuit U.S. Bankruptcy Court" is disputed. There is no such thing as the Eighth Circuit U.S. Bankruptcy Court. Ms. White did at one time file a petition for relief in the United States Bankruptcy Court for the Western District of Arkansas.

6. The Petitioners' assertion at page 6 of the petition that four separate courts have issued orders and directives which are contrary to the Federal Rules of Civil Procedure,

Federal Rules of Appellate Procedure, Federal Rules of Evidence or local court rules is disputed. Respondents assert that any and all actions taken by any court in connection with the Petitioners' dispute with the Respondents have been lawful and appropriate.

7. The Petitioners' assertion at page 7 of the petition that the Respondents initiated a "collateral contingent foreclosure proceeding" in the Iowa District Court for Bremer County is disputed. There was nothing collateral or contingent about the foreclosure proceeding initiated in the Iowa State District Court. It was separate and independent of any federal court proceeding. No federal court proceeding ever stayed the Bremer County District Court foreclosure proceeding.

8. The assertion that the Respondents made perjured affidavits set forth at page 7 of the petition is disputed. The Respondents have engaged in no perjurous statement or conduct or action in connection with any dispute involving the Petitioners.

REASONS FOR DENYING THE WRIT

I. Petitioners have not articulated a compelling reason to justify discretionary review by this Court.

"Review on a writ of certiorari is not a matter of right, but of judicial discretion. A petition for a writ of certiorari

will be granted only for compelling reasons." Sup. Ct. R. 10.

It is difficult to ascertain the nature of the Petitioners' argument with respect to why this Court should grant certiorari. It is evident, however, that none of the reasons articulated in Supreme Court Rule 10(a), (b) or (c) are present in this case.

II. The Lower Court did not err in deciding this case.

The order of the Court of Appeals for which the Petitioners seek issuance of a writ of certiorari did two things: It granted the Respondents' motion to dismiss the Petitioners' appeal and it denied the Petitioners' motion to stay a pending Iowa State Court foreclosure proceeding. As previously stated, Petitioners' appeal was based upon their dissatisfaction with Magistrate Judge Jarvey's order forbidding the unauthorized practice of law in the United States District Court for the Northern District of Iowa by Anita Vedder. The United States District Court for the Northern District of Iowa has rules which govern the practice of law in cases pending before the court. Under those rules, a non-lawyer such as Ms. Vedder is prohibited from representing private litigants such as the Petitioners. U.S. District Court N.D. Iowa R. 83.2(d)(1). This Court has similar restrictions. Only attorneys who have been admitted to practice before this Court are allowed to file any document with this Court. Sup. Ct. R. 9. It is fundamental that the courts are empowered to regulate the practice of law with respect to proceedings brought before them. The

Eighth Circuit decision dismissing the Petitioners' appeal was obviously appropriate.

In its order of October 22, 2004, the Eighth Circuit denied the Petitioners' request for a stay of a pending state court foreclosure proceeding. Again, the Eighth Circuit Court of Appeal's decision was entirely appropriate in this regard. Under 28 U.S.C. 1291 and 1294(1) and 28 U.S.C. 1292, the United States Court of Appeals is not given appellate jurisdiction over interlocutory or final decisions of state district courts. The jurisdiction granted is, of course, over interlocutory and final decisions of the **United States District Courts**. Therefore the Eighth Circuit Court of Appeals would not have jurisdiction to hear a direct appeal of a decision of the Iowa District Court for Bremer County, Iowa. Similarly, under Fed. R. App. P. 8, the Court of Appeals has authority to grant stays with respect to matters pending in United States District Courts, not state district courts. The remedy of a stay sought by the Petitioners was not available to them in the Eighth Circuit Court of Appeals.

CONCLUSION

The Petitioners' Petition for writ of certiorari should be denied for the reasons set forth above.

Respectfully submitted,

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Attorney for Respondents Steven A. Tscherter, Dana Uhlenhopp, Cordell Q. Peterson, James Schneider, Carol Petersen, Lincoln Savings Bank and Lincoln Bancorp

(3)

No. 04-1358

In The
Supreme Court of the United States

Donald E. White, *et vir*

and

Austa M. White, *et vir*

Petitioners,

v.

Steven A. Tscherter, Dana Uhlenhopp,
Cordell Q. Peterson, James Schneider, Carol Petersen,
Respondents in their individual capacities and
IN REM: LINCOLN SAVINGS BANK, and
LINCOLN BANCORP, a holding company, its parent,

Respondents.

Petitioners' Reply To Respondents' Brief In Opposition: For A Petition, In The Nature Of A *Respectful* Demand, For A Common-Law Writ Of Certiorari To The United States Court Of Appeals For The Eighth Circuit

DONALD E. WHITE, *et vir*
Repatriated Sovereign,
pursuant to
8 USC § 1481(a)(6)
Petitioner
All rights reserved,
In Care of 75 Davis Circle
Bella Vista,
Republic state of Arkansas,
Postal Zone [72714-5611]
(479) 855-8767

AUSTA M. WHITE, *et vir*
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CONSTITUTION

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PETITIONERS' REPLY TO RESPONDENTS' BRIEF IN OPPOSITION

It is the responsibility of Petitioners to define the questions for review, as set out in USSC Rule 14.1(a), and only those questions set out in the petition, or fairly concluded therein, are to be considered by the Court. Respondents' Counsel has set out his own question, which can only be included as meritorious if Petitioners' sovereignty is denied and the underlying statute at 8 U.S.C. § 1481(a)(6) is declared unconstitutional, making Petitioners, as 14th Amendment citizens, subject to statutory considerations in submission to government.

Respondents' Counsel continues the same pattern of assumptive and presumptive tactical assertions as he used in the inferior courts. He does so, still without any contravening evidence to support his position. He continues to feign ignorance of Petitioners' direct statements through manipulative language that does not conform to the rules of statutory court procedure or evidence. There is absolutely no need for his use of terms such as "apparently", "appeared to be based on", "believe", "are not sure", or "dispute", in lieu of *deny* or *object* because there are no hidden or secret meanings, intentions or motivations in Petitioners' pleadings. Petitioners took great pains to break down the multiple claims of a complex legal position into single thought paragraphs of direct, concise and precise meaning, specifically pursuant to ***Federal Rules of Civil Procedure***, Rule 8(e)(1) *and* (2). Although the sovereignty issues of this case did not become an issue until ignored by officers of the inferior courts, Petitioners think, and still believe, that their original complaint was sufficient to prevail on the debt issues, if required to stand alone on its merits.

On page 2, at II. Clarification of the Record, Respondents' Counsel "takes exception", rather than denies, pursuant to *Federal Rules of Civil Procedure*, Rule 8(d), when he attempts to "correct" the record. His alleged corrections are without foundation in fact and he again presents no contravening evidence to support his "corrections", to wit, at:

1. Relevant to the "unsealed" and "unfiled" orders, the dockets of the inferior courts reflecting that information were included by Petitioners with their request to Justice Thomas for the Rule 22 extension and in the Appendices of the petition. For Counsel's edification, for an order to be "unsealed" was to mean that it was not officially imprinted or stamped with the seal of the court. To be "unfiled" was to mean that it was held out from October 24 until a later date, December 13, 2004 when it was untimely filed – however, the effect of its existence continued to precipitate subsequent action in spite of its unofficial nature and character, this among other instances, requiring this Court's supervisory authority;

2. Relevant to the absence of a "license to practice law", the underlying false assumption of Respondents' Counsel herein is that Petitioners and Vedder are *pro se* and subject to the statutory code. The absence of a "license" to practice law from any fraternal collegial bar association is applicable only to 14th Amendment citizens and does ***NOT*** make unlawful their joint and co-equal participation in a sovereign common law contract. His defense of this issue in brief shall be most interesting to Petitioners;

3. Relevant to the concurrent actions in multiple courts, herein, Counsel, (and not Respondents), states that he is "not sure" what is meant by Petitioners' assertion on page 5 that the 8th Circuit Court of Appeals (decision) was "driving events in four separate inferior courts". Petitioners would remind Counsel that it was his own premature filing of the foreclosure action in BREMER COUNTY, IOWA, without settlement of the underlying debt issue, and his 12(b)(3) defense arguments that necessitated multiple venue litigation. Counsel understood his own process sufficiently to request payment for himself and an Arkansas colleague, R. Jeffrey Reynerson, of their services in attorney fees in the amount of $23,416.89, from BREMER COUNTY Judge John Mackey, for (1) the BREMER COUNTY, IOWA DISTRICT COURT, the foreclosure action which stole Petitioners' 352 acre Iowa farm, (2) the federal US District Court for Western Arkansas, where the original complaint relating to the ultra vires conduct of Respondents was dismissed for an alleged lack of proper venue, (3) the federal US District Court for Northern Iowa, where it was subsequently filed and (4) the US Court of Appeals for the 8th Circuit where the interlocutory order, now before this Court, was appealed.

4. Principals Tscherter and Uhlenhopp, of LINCOLN SAVINGS BANK and Tscherter, Peterson, Schneider and Petersen of LINCOLN BANCORP, INC., are sued in their private individual capacities as well as their public corporate entities, as clearly identified in the case headings of this matter. Counsel

"disputes" for the sake of his attorney fee generation but clearly fails to deny that these individuals and their public entities, as well as the corporate institutions they represent, are his clients;

5. Relevant to the "mis-naming" of the US Bankruptcy Court, the insignificance and lack of substance of Counsel's "defense" is represented in his "dispute" of the mis-naming as a clearly defined issue. The US Bankruptcy Court for Western Arkansas clearly is in the Eighth Circuit. Mrs. White's voluntary dismissal from that pseudo-"protection" paved the way for the Whites to take control of the Plaintiff position when they filed their initial *ultra vires* complaint the following day in the US DISTRICT COURT for WESTERN ARKANSAS. This was a strategic move totally unanticipated by Respondents against which they had no factual evidence to defend;

6. Respondents' Counsel continues to "dispute", without denying the facts that four separate courts have issued orders and directives contrary to the *Federal Rules of Civil Procedure, Federal Rules of Appellate Procedure* and *Federal Rules of Evidence*. Other than the perjured affidavits of Respondents, which will be dealt with in Counsel's "dispute" #8, Respondents bring no contravening evidence or testimony to support the sole testimony of their Counsel throughout. The testimony of Counsel, either in brief or in argument, is insufficient to sustain a Federal Rule of Civil Procedure, Rule 12(b)(6) motion which reduces to a Rule 56 Summary Judgment – in the absence of controversy.

This has been an extremely contentious matter at every level of engagement. Review of the venue statute indicated to Petitioners that an appeal out of the US DISTRICT COURT for WESTERN ARKANSAS would have been highly survivable, as is the current appellate action. Petitioners chose for their own reasons, related to the timing of the expatriation delivery of documents two weeks ***following*** the initiation of the original complaint in Arkansas, to accept that verdict and expand the suit. In that manner, their sovereignty could and would not be called into legitimate question.

The appellate rules were violated in the US DISTRICT COURT for NORTHERN IOWA on multiple occasions when orders continued to flow within Petitioners' appellate period, when Petitioners refused to proceed ***pro se*** as a contingency for hearing their justicable controversy and as the judge therein refused to recuse herself, as officers of the court, (both judge and attorneys), raced on to an ultimate conclusion of dismissal and usurpation of the judicial process. The US COURT OF APPEALS sent the sovereign paperwork of the BREMER COUNTY, IOWA foreclosure appeal back to the wrong court in Fort Smith, Arkansas, where the case ***had never been situated***, only to have it returned to Petitioners with an untimely notice of appeal of the ***WRONG ORDER out of WESTERN ARKANSAS of July 14, 2004***, contrary to the ***BREMER COUNTY, IOWA*** paperwork in hand! When Petitioners vociferously protested, with a sovereign solution that would have straightened out this

judicial mess – that was not of their own making, Respondents opposed, only to have the judge of the WESTERN ARKANSAS DISTRICT COURT refund the BREMER COUNTY, IOWA appellate filing fee, the consideration, to judicially pigeonhole and bury the foreclosure appeal in the record of the US DISTRICT COURT for WESTERN ARKANSAS, as the grand theft of the BREMER COUNTY, IOWA foreclosure rolled on to conclusion.

Of course, Respondents, through Counsel, would "assert that any and all actions taken by any court in connection with Petitioners' dispute with Respondents have been lawful and appropriate", only because they have been unilaterally successful in having the decisions ruled in their favor, ***oblivious of the sovereignty issues*** and absence of Petitioners' 14th Amendment trustee status;

7. Respondents' Counsel "disputes", but fails to deny, that there was anything collateral or contingent about the foreclosure proceeding initiated in the IOWA STATE DISTRICT COURT. Does he truly fail to understand the collateral nature of the promissory note and Deed of Trust as having been executed on the same date, the later securing the former, the same upon which he moved to dispossess Petitioners of their private *de jure* property? He further disregards the unrebutted judicial fact in evidence that, if the promissory notes are or were found to be fraudulent and void *ab initio*, upon which the Deeds of Trust are dependent, *that is to say, contingent*, so too are the Deeds of Trust themselves fraudulent and void *ab initio*. Given

that Petitioners' claims have never had an impartial hearing or review of any sort, the legitimacy, lawfulness and legality of the foreclosure action itself ***has to be called into question*** by Respondents' failure to validate and verify in answer the legitimacy of the underlying debt, pursuant to 15 U.S.C. § 1692g. The foreclosure action was initiated against Petitioners, as Defendants, on April 1, 2004, prior to Respondents' filing of their Opposition to Petitioners' Motion For Summary Judgment.

8. All of the affidavits, nearly identical in substance and wording as submitted to the USDC for Western Arkansas, have clearly been prepared by Respondents' Counsel and were designed to specifically refute the specific allegations contained in petitioners' original complaint. These affidavits, two out of three of which are "SUBSCRIBED AND SWORN TO by (the affiant, Dana Uhlenhopp) before me on this 12th day of April, 2004", are signed by Respondents' Counsel as NOTARY PUBLIC, where an identical document containing the first nine caveats and signature are signed by Steve Tscherter before another notary. Other than the written statements of the affiants, however, no hard core evidence, such as production of the original note, by copy or otherwise, or the T-accounting demanded by Petitioners in the first and second administrative processes, which are presumed to be in the possession of Respondents, ***have ever been produced to support*** the written statements of Respondents' affidavits.

> In the USDC for Northern Iowa, Counsel has constructed the affidavits for Respondents such that each swears to his own action, or lack thereof, as well as the same for his Co-respondents. Counsel should know that this is in clear violation of *Federal Rules of Evidence*, Rule 602, which thus invalidates the value of the affidavits as admissible testimony. Affiants can attest to only their OWN actions, or lack thereof, and are without personal knowledge as to the activities of their co-respondents.
>
> The perjured aspects of these affidavits will become apparent ***when*** Respondents produce the original promissory note and T-accounting of all funds deposited and dispersed from the account bearing Petitioners' names, starting with a zero balance on April 1, 2002.

CONCLUSION

Petitioners have constructed their petition in strict conformance to USSC Rule 10 and, contrary to Respondents' Counsels' allegations, have articulated multiple grounds for hearing this matter. The petition now represents one third of a cross-circuit appeal, involving constitutional questions of sovereignty and contract infringement and covers now both civil and criminal applications. The sovereignty issues alone, which Respondents' Counsel and the inferior courts themselves have ignored, are sufficient to warrant the Supreme tribunal's review.

Nothing pertinent to the debt can be utilized as precedent in any other case as the absence of verification

and validation thereof and the *ultra vires* conduct of Respondents, as principals, is germane ***solely*** to this case. The systematic deviation from acceptable judicial behavior, contrary to settled case law, does, in fact, warrant the supervisory authority of the **United States Supreme Court**.

Respectfully submitted,
With all rights reserved,
We remain,

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pursuant to 8 USC
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Petitioner
All rights reserved,
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